



David T. Rankin
Senior General Attorney

BNSF Railway Company
P.O. Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive
Fort Worth, TX 76161
T: 817-352-2383
F: 817-352-2398
david.rankin@bnsf.com

QTXCF 8.4.2.1
2/4/2010 F

February 4, 2010

Ms. Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423

**Re: STB Docket No. AB-6 (Sub-No. 465X), BNSF Railway Company –
Abandonment Exemption – In King County, WA**

Dear Ms. Brown:

On August 11, 2008, BNSF Railway Company (“BNSF”) filed a petition seeking an exemption from the prior approval requirements of 49 U.S.C. § 10903 to abandon a 12.55-mile rail line located between milepost 11.25, near Wilburton, and milepost 23.80, in Woodinville, King County, WA (the “Rail Line”).

By Decision and Notice of Interim Trail Use or Abandonment (“NITU”) served November 28, 2008, the Surface Transportation Board (“Board”) granted the exemption. The exemption was made subject to environmental and historic preservation conditions, as well as an NITU. Subsequent decisions extended the NITU and the consummation date of the abandonment, and removed the historic preservation condition. In STB Finance Docket No. 35148, *King County, WA – Acquisition Exemption – BNSF Railway Company* (not printed), served September 18, 2009, the Board authorized the transfer to King County, WA (“King County”) of BNSF’s reactivation rights on the Rail Line.

This letter is to advise the Board that, on December 18, 2009, BNSF consummated the donation of the real property and physical assets of the Rail Line to the Port of Seattle, entered into a Trail Use Agreement with King County and transferred the reactivation rights with respect to the Rail Line to King County. Attached is the Verification of Susan Odom certifying compliance with the Board’s requirement that the transferee of the physical assets agree to comply with the environmental conditions imposed by the Board.

Please acknowledge receipt of this letter by date-stamping the enclosed extra copy of this letter and returning it to me in the enclosed self-addressed stamped envelope.

USEPA SF



1337710



Ten (10) additional copies of this letter are attached for the Board's use and distribution.

Sincerely,

A handwritten signature in cursive script that reads "David Rankin".

David T. Rankin
Senior General Attorney

cc: Washington Utilities and Transportation Commission
Victoria Rutson, Chief, SEA
Peter Rickershauser
Dean Wise
Dennis Eytcheson
Susan Odom
Dalen Wintermute
Steve Kuzma
Rail Services Update

VERIFICATION AND CERTIFICATION

I, Susan Odom, being duly sworn depose and state that, as Manager Network Strategy in the Network Development department of BNSF Railway Company ("BNSF"), I am authorized to make this verification, and that I have personal knowledge of the facts asserted herein and the facts are true and accurate as stated to the best of my knowledge, information, and belief.

I hereby certify that the photocopied pages attached as Exhibit A are excerpts from the Seventh Amendment to the Donation Agreement between BNSF, the Port of Seattle ("Donee") and King County, WA ("Seventh Amendment").

Section 2(3) of the Seventh Amendment sets forth the salvage condition imposed by the Surface Transportation Board in STB Docket No. AB-6 (Sub-No. 465X). Page 3 of the Seventh Amendment is the signatory page which evidences the Donee's acceptance of the salvage conditions.

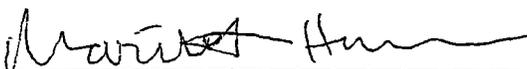
The foregoing certification is made on behalf of BNSF by the undersigned after due and careful investigation of the matters herein certified and based on the best of the knowledge, information, and belief of the undersigned.



Susan Odom
Manager Network Strategy

Subscribed and sworn to before me this 2nd day of February, 2010.





Notary Public

My commission expires: 8-13-11

EXHIBIT A

SEVENTH AMENDMENT TO DONATION AGREEMENT

THIS SEVENTH AMENDMENT TO DONATION AGREEMENT is made and entered into as of this 17 day of December, 2009, by and between BNSF RAILWAY COMPANY ("BNSF"), the PORT OF SEATTLE, a municipal corporation of the State of Washington ("Port") and KING COUNTY, a political subdivision of the State of Washington ("County").

RECITALS

A. On May 12, 2008, BNSF, the Port and the County entered into: (i) a Donation Agreement, as amended, whereby BNSF agreed to donate to the Port portions of BNSF's property known as the Woodinville Subdivision ("Subdivision"); and (ii) a Purchase and Sale Agreement, as amended, for the Port's acquisition of other portions of the Subdivision ("North Agreement"). The County desires to use the Railbanked Portion of the Subdivision for public trail and other transportation purposes. At Closing, the Port will grant the County a Public Multipurpose Easement for the County's use of the Railbanked and Wilburton Portions of the Subdivision.

B. At the Port's request and pursuant to the First, Second, Third, Fourth, Fifth and Sixth Amendments to Donation Agreement and the First, Second, Third, Fourth, Fifth and Sixth Amendments to Purchase and Sale Agreement, the parties previously extended the Closing Date of the Donation Agreement and of the North Agreement to March 31, 2009, June 30, 2009, July 8, 2009, July 15, 2009, July 22, 2009 and December 15, 2009 respectively.

C. The Port has requested, and the parties have agreed, to further extend the Closing Date of the Donation Agreement and of the North Agreement.

D. As part of the approvals contemplated by Section 8.1 of the Donation Agreement the STB conditioned its approval concerning salvage activities and archaeological remains, which conditions must be included in the Donation Agreement.

E. The Parties acknowledge that the Donation Agreement and the North Agreement are not the exclusive basis for BNSF to enter into agreements with others concerning transfer of ownership of the Subdivision, subject to the parties' rights and obligations under the Donation Agreement and the North Agreement.

NOW, THEREFORE, in consideration of their mutual promises, the parties hereby agree as follows:

1. The definition of Closing Date in Section 1.1 of the Donation Agreement is amended to read as follows:

Closing Date. December 18, 2009.

2. The Donation Agreement is amended by adding the following as Section 14.17:

14.17 Port and its successors and assigns agree:

- (1) As to the portion of the Property located between Milepost 5.00 and Milepost 10.60:
 - (a) Prior to beginning salvage activities,
 - (i) To consult with WDE regarding possible impacts of abandonment activities on wetlands located along the lines and to ensure compliance with NPDES permitting requirements and,
 - (ii) To consult with the Corps regarding possible impacts of abandonment activities to water bodies and wetlands, and to ensure compliance with Corps permitting requirements.
- (3) As to the portion of the Property located between Milepost 11.25 and Milepost 23.80: To consult with the Washington Department of Fish and Wildlife and the Muckleshoot Indian Tribe Fisheries Division regarding fish barriers.

3. Except as amended herein, all other terms, covenants and conditions of the Agreement shall remain in full force and effect.

4. Counterparts. This Sixth Amendment may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which, when taken together, shall constitute but one and the same instrument.

Remainder of Page Intentionally Left Blank

IN WITNESS WHEREOF, the parties hereto have executed this Seventh Amendment to Donation Agreement as of the date first written above.

BNSF RAILWAY COMPANY

By: _____
Name: Richard E. Weicher
Title: Vice President & General Counsel – Regulatory

PORT OF SEATTLE

By: T. Yoshitani
Name: Tay Yoshitani
Title: Chief Executive Officer

KING COUNTY

By: Dow Constantine
Name: Dow Constantine
Title: King County Executive

IN WITNESS WHEREOF, the parties hereto have executed this Seventh Amendment to Donation Agreement as of the date first written above.

BNSF RAILWAY COMPANY

By: Richard E. Weicher

Name: Richard E. Weicher

Title: Vice President & General Counsel - Regulatory

PORT OF SEATTLE

By: _____

Name: Tay Yoshitani

Title: Chief Executive Officer

KING COUNTY

By: _____

Name:

Title: King County Executive



Kristy D. Clark
General Attorney


BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

August 8, 2008

Ms. Anne K. Quinlan, Acting Secretary
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company Abandonment Exemption in King County, Washington**

Dear Ms. Quinlan:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 465X) are the original and ten copies of BNSF Railway Company's Petition for Exemption under 49 U.S.C. § 10502 for filing with the Surface Transportation Board in the above-referenced matter.

Also enclosed is a check in the amount of \$6,300 for the filing fee.

Sincerely,

Kristy D. Clark
General Attorney

Enclosures: As stated

KDC/so

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

| | | |
|-----------------------------------|---|------------------------|
| BNSF RAILWAY COMPANY |) | |
| ABANDONMENT EXEMPTION |) | DOCKET NO. AB-6 |
| IN KING COUNTY, WASHINGTON |) | (SUB-NO. 465X) |

PETITION FOR EXEMPTION

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Kristy D. Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated: August 11, 2008

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

| | | |
|-----------------------------------|---|------------------------|
| BNSF RAILWAY COMPANY |) | |
| ABANDONMENT EXEMPTION |) | DOCKET NO. AB-6 |
| IN KING COUNTY, WASHINGTON |) | (SUB-NO. 465X) |

PETITION FOR EXEMPTION

BNSF Railway Company ("BNSF") petitions the Surface Transportation Board ("STB" or "Board") to exempt, under 49 U.S.C. § 10502, from the prior approval requirements of 49 U.S.C. § 10903-05, BNSF's abandonment of a 12.55-mile rail line located in King County, Washington.

PROPOSED TRANSACTION

BNSF proposes to abandon its rail line located between Milepost 11.25 near Wilburton and Milepost 23.80, in Woodinville, King County, Washington (the "Line"). The Line traverses U.S. Postal Service Zip Codes 98005, 98004, 98033, 98034, 98011 and 98072. A map of the Line is attached as Exhibit A.

Based on information in BNSF's possession, the Line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available to those requesting it.

STATEMENT OF FACTS

BNSF owns and operates a 12.55-mile rail line between the stations of Wilburton and Woodinville, Washington. There are two shippers currently being served on the line: Weyerhaeuser, Inc. ("Weyerhaeuser") and Safeway, Inc ("Safeway"). Beginning in September 2008, Weyerhaeuser and Safeway will begin using an existing transload facility for their rail transportation needs. Weyerhaeuser and Safeway understand the desirable social, political and economic impacts of the proposed abandonment to the community as a whole and have committed to supporting the abandonment.

The Port of Seattle ("Port") and BNSF have entered into an agreement pursuant to which BNSF will donate to the Port the right-of-way, track, and other property and physical assets located on the portion of the Line between Milepost 11.25 and Milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets of the Line between Milepost 23.45 and Milepost 23.80. *See The Port of Seattle – Acquisition Exemption – Certain Assets of BNSF Railway Company*, STB Finance Docket No. 35128 (STB served June 20, 2008). BNSF has also agreed to rail-bank the Line with King County who will serve as the Interim Trail User for federal railbanking purposes¹. There are no current plans to remove the track structure as the Port is considering multiple possibilities for the Line's ultimate use.

As the following table illustrates, the volume of traffic moving to and from the Line has been declining steadily in recent years.

¹ The Environmental and Historic Reports filed in reference to and in support of this Petition for Exemption incorrectly stated that the Port intends to allow King County, WA to railbank a "portion of the Line."

| <u>YEAR</u> | <u>ANNUAL CARLOADS</u> |
|-------------|------------------------|
| 2005 | 263 |
| 2006 | 244 |
| 2007 | 220 |
| 2008 | 127 (Projected) |

Prior to 2008, operations on the Line were marginally profitable solely from an operational standpoint. BNSF, however, has been experiencing huge economic losses by forgoing a more profitable alternative use of the assets associated with the Line. Opportunity costs reflect the economic loss experienced by a carrier from forgoing a more profitable alternative use of its assets. Pursuant to *Abandonment Regulations – Costing*, 3 I.C.C.2d 340 (1987), the opportunity cost of road property is computed on an investment base equal to the sum of: (1) allowable working capital; (2) the net liquidation value (“NLV”) of the Line; and (3) current income tax benefits (if any) resulting from the abandonment.

The NLV of the Line is \$243,660,000.00, consisting of \$660,000 for the net salvage value of the track, track materials and ties² and \$243 million in real estate value. Without taking into account working capital and the income tax consequences of the abandonment, BNSF is incurring annual opportunity costs of approximately \$36,500,268 [$\$243,660,000 \text{ (NLV)} \times 14.98 \text{ percent (current nominal rate of return)}^3$].

Once the two customers on the Line start using the transload facilities to meet their shipping needs, the Line will no longer generate any freight revenues from traffic originating or terminating on the Line. The Line is stub-ended and no longer capable of handling overhead

² The net salvage value of the track and track materials is somewhat outdated and significantly below current values. Since this estimate was made, steel prices have spiked by 40 percent.

³ See *Railroad Cost of Capital – 2006*, STB Ex Parte No. 558 (Sub-No. 10)(STB served Apr. 15, 2008)

traffic.⁴ At the same time, BNSF will continue to incur certain on-branch avoidable costs, such as maintenance-of-way costs, property taxes and certain other general and administrative costs associated with the Line.

Maintenance-of-way and Structure costs will be at least \$125,500 based on normalized maintenance levels necessary to maintain the Line in Class 1 operating conditions. The Board and its predecessor have long recognized the appropriateness of considering normalized maintenance costs in instances of deferred maintenance. *See Chicago and North Western Transp. Co. – Abandonment*, 366 I.C.C. 373, 377 (1982) (“Normalized maintenance is the amount needed for economic and efficient operation over the long term. *** We have, in the past, applied normalized maintenance calculations to actual maintenance figures and found that costs for normalized maintenance when compared to actual maintenance expenditures are indicative of deferred maintenance and are to be given consideration in determining whether or not the public convenience and necessity permit abandonment of a line”).

The normalized maintenance costs of \$10,000 per mile being utilized by BNSF are conservative and based on the per-mile maintenance costs accepted by the Board and its predecessor in other abandonment proceedings. For example, the Board and its predecessor found as reasonable per-mile normalized maintenance costs of **\$10,943** in STB Docket No. AB-33 (Sub-No. 156), *Union Pacific Railroad Company – Abandonment – In Harris, Fort Bend, Austin, Wharton and Colorado Counties, TX* (not printed), served November 8, 2000; **\$6,957** in STB Docket No. AB-564 *Camas Prairie Railnet, Inc. – Abandonment – In Lewis, Nez Perce, and Idaho Counties, ID* (not printed), served September 13, 2000; **\$6,029** in STB Docket No.

⁴ BNSF abandoned the 0.65-mile rail line immediately to the south of the Line in *BNSF Railway Company – Abandonment Exemption – in King County, WA*, STB Docket No. AB-6 (Sub-No. 453)(STB served Nov. 8 2006). The abandonment of that line was consummated as of March 7, 2008.

AB-441 (Sub-No. 2X), *SWKR Operating Co. – Abandonment Exemption in Cochise County, AZ* (not printed), served February 14, 1997, slip op. at 5 (“We know from extensive experience that \$6,000 per mile/per year is a reasonable figure for maintenance by a Class III railroad.”).

In summary, once the two on-Line customers start using the nearby transload facility, BNSF will incur annual operating losses in excess of \$125,500 and incur forgone opportunity costs of approximately \$36,500,268, for a total annual economic loss of approximately \$36,625,768. Thus continued operation of the Line would impose an enormous economic burden on BNSF and on interstate commerce.

EXEMPTION REQUESTED

BNSF seeks an exemption under 49 U.S.C. § 10502 from the applicable requirements of 49 U.S.C. § 10903 to permit BNSF to abandon this 12.55-mile rail line.

Under 49 U.S.C. § 10502, the STB must exempt a transaction from regulation when it finds that: (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. § 10101; and (2) either: (a) the transaction is of limited scope; or (b) regulation is not necessary to protect shippers from the abuse of market power.

The legislative history of Section 10502 reveals a clear Congressional intent that the STB should liberally use its exemption authority to free certain transactions from the administrative and financial costs associated with continued regulation. In enacting the Staggers Act of 1980, Pub. L. No. 96-448, 94 Stat. 1895, Congress encouraged the STB's predecessor to use liberally the expanded exemption authority under former Section 10505:

The policy underlying this provision is that while Congress has been able to identify broad areas of commerce where reduced regulation is clearly warranted, the Commission is more capable through the administrative process of examining specific regulatory provisions and practices not yet addressed by Congress to determine where they can be deregulated consistent with the policies of Congress. The conferees expect that, consistent with the policies of this Act, the

Commission will pursue partial and complete exemption from remaining regulation.

H.R. Rep. No. 1430, 96th Cong. 2d Sess. 105 (1980). *See also Exemption From Regulation – Boxcar Traffic*, 367 I.C.C. 424, 428 (1983), *vacated and remanded on other grounds, Brae Corp. v. United States*, 740 F.2d 1023 (D.C. Cir. 1984). Congress reaffirmed this policy in the conference report accompanying the ICC Termination Act of 1995, Pub. L. No. 104-88, 109 Stat. 803, which re-enacted the rail exemption provisions as Section 10502. H.R. Rep. 422, 104th Cong., 1st Sess. 168-69 (1995).

A. The Application of 49 U.S.C. § 10903 Is Not Necessary to Carry Out the Rail Transportation Policy

Detailed scrutiny of this transaction is not necessary to carry out the rail transportation policy. An exemption would minimize the unnecessary expenses associated with the filing of a formal abandonment application, expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. § 10101(2) and (7)]. *See, e.g., Norfolk & W. Ry. Co. – Abandonment Exem. – Cinn., Hamilton County, OH*, 3 S.T.B. 110 (1998); *Georgia Central Railroad, L.P. – Abandonment Exemption – In Chatham County, GA*, STB Docket No. AB-367 (Sub-No. 2X) (STB served Sept. 17, 1997) (“*Georgia Central*”). By abandoning the Line, BNSF will be able to avoid the out-of-pocket expenses and enormous opportunity costs associated with retaining this Line. Granting the exemption will thus foster sound economic conditions and encourage efficient management. 49 U.S.C. § 10101(5) and (9). *See, e.g., Minnesota Northern Railroad, Inc. – Abandonment Exemption – In Red Lake and Polk Counties, MN*, STB Docket No. AB-497 (Sub-No. 1X) (STB served Nov. 14, 1997); *Louisiana & Delta Railroad, Inc. – Abandonment Exemption – In Lafourche and Assumption Parishes, LA*, STB Docket No. AB-318 (Sub-No. 4X) (STB served Aug. 26, 1997).

Other aspects of the rail transportation policy are not adversely affected. For example, competition and the continuation of a sound rail transportation system are not affected as the only customers on the Line are Weyerhaeuser and Safeway. Beginning in September 2008, Weyerhaeuser will begin shipping and Safeway will begin receiving rail shipments via a transload facility located approximately 10 miles from their respective warehouses. Weyerhaeuser supports the abandonment and will be providing a letter stating the same. Safeway likewise supports the abandonment and has committed to providing a letter of confirmation. Copies of these letters will be forwarded upon receipt.

B. This Transaction Is of Limited Scope

In determining whether a proposed transaction is of limited scope, the Board considers a variety of factors, such as the length of the rail line, the number of shippers on the line and the traffic volume. *See, e.g., Burlington Northern Railroad Company – Abandonment Exemption – In Greene and Polk Counties, MO*, Docket No. AB-6 (Sub-No. 349X) (ICC served Aug. 27, 1993); *Florida West Coast Railroad Company – Abandonment Exemption – Gilchrist and Levy Counties, FL*, Docket No. AB-347 (Sub-No. 1X) (ICC served Jan. 16, 1992).

The proposed transaction is clearly of limited scope. BNSF is seeking to abandon a 12.55-mile line that traverses an area of high-end commercial and residential development with limited and declining demand for rail service in recent years. The limited geographic area involved and the limited past use of the Line demonstrate the limited scope of the proposed abandonment. *See, e.g., Tulare Valley Railroad Company – Abandonment Exemption – In Tulare And Fresno Counties, CA*, Docket No. AB-397 (Sub-No. 3X) (ICC served Feb. 9, 1995).

C. This Transaction Will Not Result in an Abuse of Market Power

There are two shippers on the Line, both of whom have plans to use a nearby transload facility to meet their future transportation needs, and both support the abandonment. Therefore, regulation is not necessary to protect shippers from an abuse of market power. *See, e.g., CSX Transportation, Inc. – Abandonment Exemption – In Guernsey County, OH*, STB Docket No. AB-55 (Sub-No. 576) (STB served Nov. 22, 1999; *CSX Transportation, Inc. – Abandonment Exemption – In Harrison County, WV*, STB Docket No. AB-55 (Sub-No. 563X) (STB served Sept. 25, 1998); *Georgia Central*.

Also, the communities along the Line have an adequate highway network capable of supporting motor carrier transportation. For example, Interstate 405 runs largely parallel to the Line. Transportation services are available from numerous motor carriers that serve the area. Where, as here, few shippers utilize the line to be abandoned and they have adequate alternative transportation options available, there is no potential abuse of market power. *See, e.g., Norfolk Southern Railway Company – Abandonment Exemption – In Franklin, Marion, and Winston Counties, AL*, Docket No. AB-290 (Sub-No. 123X) (ICC served May 3, 1995).

As explained below, there is very limited, if any, prospect for freight rail growth in the area given the very high land values along the Line. Consequently, the Board should reject any speculation about future traffic as a basis for denying the proposed abandonment. *See, e.g., Idaho Northern & Pacific Railroad Company – Abandonment Exemption – In Wallowa and Union Counties, OR*, STB Docket No. AB-433X (STB served Apr. 16, 1997) (“*Idaho Northern*”); *Tennessee Railway Company – Abandonment Exemption – In Scott County, TN*,

STB Docket No. 290 (Sub-No. 260X) (STB served June 17, 2005 (“*Tennessee*”));⁵ *Burlington Northern Railroad Company – Abandonment Exemption – Between Mesa and Basin City, Franklin County, WA*, STB Docket No. AB-6 (Sub-No. 370) (STB served Jan. 27, 1997); *Norfolk and Western Railway Company – Abandonment Exemption – In Randolph, Macon, Adair, and Schuyler Counties, MO, and Davis, Appanoose, and Monroe Counties, IA*, Docket No. 290 (Sub-No. 122X) (ICC served Sept. 17, 1993 0; *CSX Transportation, Inc. – Abandonment Exemption – In Webster County*, Docket No. AB-55 (Sub-No. 413X) (ICC served May 29, 1992).

**EXEMPTION FROM SECTIONS 10904 AND 10905
IS ALSO WARRANTED**

BNSF has agreed to donate, in part, and to sell, in part, the physical assets of the Line to the Port who, according to public records, intends to leave all rail, track and track-related structures in place while a public process is used to evaluate the best use of the corridor. BNSF has also agreed to rail-bank the Line with the County who will serve as Interim Trail User for federal railbanking purposes. The Port has stated publicly that it intends to instigate a multi-agency, regional process to plan and recommend appropriate uses for the railbanked property, including the location and size of the proposed trail and the possibility for future commuter service. The sale and donation are scheduled to close by the end of 2008 or early 2009. Accordingly, BNSF seeks an exemption from 49 U.S.C. §§ 10904-05 to expedite the sale and donation of the physical assets of the Line to the Port and to railbank the corridor with the County.

⁵ Citing *Idaho Northern*, the Board, in *Tennessee*, noted that under its precedent “mere speculation about future traffic is not a sound basis upon which to deny an abandonment.” *Tennessee*, slip op., at 4

The agreements reached between the County, Port and BNSF will allow the rail corridor to become publicly owned and will preserve what County officials consider to be a critical transportation corridor for the broadest range of possible public uses. In particular, preservation of the contiguous corridor is considered crucial to resolving transportation problems, one of the Eastside area's biggest issues. The plans, as constructed, are expected to support billions of dollars in economic activity in addition to creating a nationally significant hiking and biking trail.

The Board and its predecessor have granted exemptions from Sections 10904 and 10905 when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail freight service. As previously explained, by the fall of 2008, all local traffic will be moved off the Line and all former overhead traffic has already been re-routed. Consequently, by the end of this year there will no longer be any demand for rail freight service along the Line. Reinstitution of rail freight service under Section 10904 would be incompatible with the County's and the Port's intended uses of the Line. In addition, there is no need for a public use condition under Section 10905 because BNSF has already agreed to sell, in part, and donate, in part the Line to a public entity for multiple public uses.

The Board should grant the requested relief because the Line is needed for a valid public purpose (a public trail and potentially commuter rail) and there is no overriding public need for continued rail freight service along the Line. Applying the offer of financial assistance requirements, in this instance, is not necessary to carry out the rail transportation policy. Allowing the abandonment exemption to become effective expeditiously, without first being subject to these requirements, would minimize the need for Federal regulatory control over the rail system, expedite regulatory decisions, and reduce regulatory barriers to exit [49 U.S.C. §§

10101(2) and (7)]. As previously explained, regulation of this transaction is not necessary to protect shippers from an abuse of market power. The remaining two shippers on the Line have alternative rail-truck options available and support the abandonment.

The Line offers limited, if any, freight rail growth opportunities, even for a short line operator. Land use around the Line is clearly moving away from freight applications, if not from industrial and low-end commercial applications altogether. Land values along the right-of-way are in the \$25-40 per square foot range which is well beyond what a rail-oriented Pacific Northwest manufacturer or distributor would pay for real estate. Consequently, there is little chance of significantly increasing carload traffic on the Line. Furthermore, Interstate 405 which runs largely parallel to the Line is a significant transportation corridor, public and private. Use of the Line as a complimentary transit corridor and/or as a hiking/biking trail has been planned for some time and is now made possible through the joint BNSF, Port, County agreements. *See Norfolk Southern Railway Company – Abandonment Exemption – In Norfolk and Virginia Beach, VA*, STB Docket No. 290 (Sub-No. 293X) (STB served Nov. 6, 2007)(exemption granted where line was needed for public transit corridor); *Los Angeles County Metropolitan Transportation Authority – Abandonment Exemption – In Los Angeles County, CA*, STB Docket No. AB-409 (Sub-No. 5X) (STB served July 17, 2008)(exemption granted where line was needed for mass transit); *Union Pacific Railroad Company – Abandonment Exemption – In Pima County, AZ*, STB Docket No. AB-33 (Sub-No. 141X) (STB served Feb. 16, 2000)(exemption granted where line was needed for public projects including bike/pedestrian paths); *Doniphan, Kensett and Searcy Railway – Abandonment Exemption – In Searcy, White County, AR*, STB Docket No. AB-558X (STB served May 6, 1999)(exemption granted where line was needed for construction project); *K&E Railway Company – Abandonment Exemption – In Alfalfa, Garfield,*

and Grant Counties, OK and Barber County, KS, STB Docket No. AB-480X (STB served December 31, 1996)(exemption granted where segments of line were needed for flood control); Union Pacific Railroad Company – Abandonment Exemption – In Kane County, IL, STB Docket No. AB-33 (Sub-No. 105X) (STB served April 29, 1997 (exemption granted where right-of-way was needed for interim trail use); Missouri Pacific Railroad – Abandonment and Discontinuance of Operations Exemption – In Houston, Harris County, TX, STB Docket No. AB-3 (Sub-No. 139X) (STB served December 31, 1996)(exemption granted where line was needed for expansion of warehouse and hiking and bike trail).

ENVIRONMENTAL AND HISTORIC REPORTS

The Environmental Report and the Historic Report containing the information required by 49 C.F.R. §§ 1105.07 and 1105.08 were forwarded to the Board on June 24, 2008. The Certificate of Service for this Petition for Exemption is attached as Exhibit B.

FEDERAL REGISTER NOTICE

A draft Federal Register notice is attached to this Petition as Exhibit C.

LABOR PROTECTION

The interests of railroad employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protection conditions in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

CONCLUSION

Application of the regulatory requirements and procedures of 49 U.S.C. §§ 10903-05 is not required to carry out the rail transportation policy set forth in 49 U.S.C. § 10101, as previously described in this Petition, nor is STB regulation required to protect shippers from an abuse of market power. Moreover, this abandonment is of limited scope. Accordingly, BNSF respectfully urges the Board to grant this petition and related abandonment request.

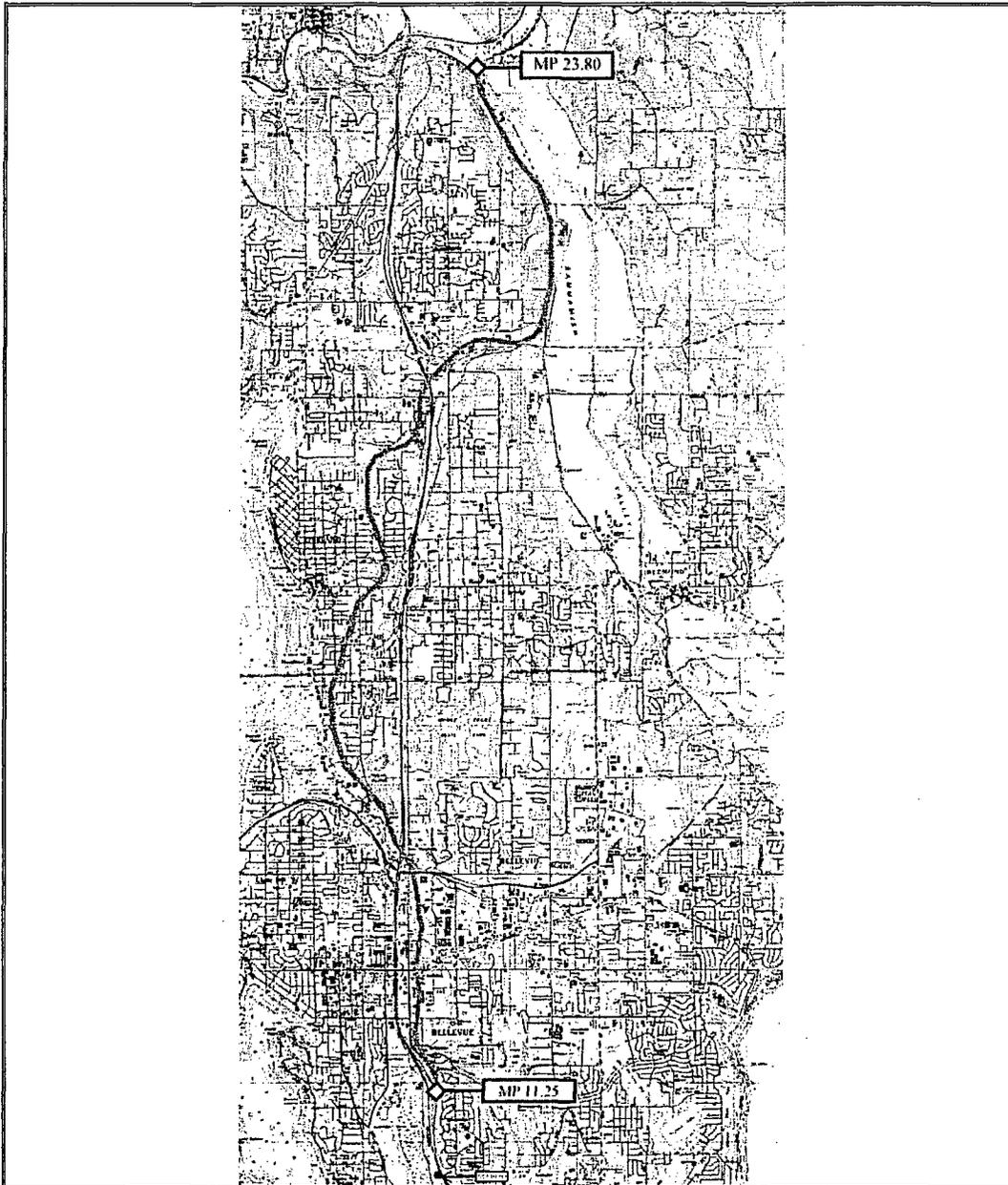
Respectfully submitted,



KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Dated: August 11, 2008

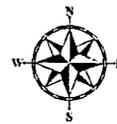
EXHIBIT A



**Woodinville Subdivision
King County, Washington**

BNSF Line Segment 405
Milepost 11.25 to Milepost 23.80

**STB Reference
AB-6, Sub 465X**



Base map – United States Geological Survey
Bothell, Maltby, Kirkland and Redmond quadrangles
7.5-minute series

Map source dates: 1979/07/01; 1980/07/01
DRG Creation Date: 1997/04/09
DRG Coordinate System: UTM
DRG Datum: NAD27

EXHIBIT B

CERTIFICATE OF SERVICE

Pursuant to 49 C.F.R. § 1152.60(d), the undersigned hereby certifies that the Petition for Exemption in STB Docket No. AB-6 (Sub-No. 465X) was mailed via first class mail on August 8, 2008, to the following parties:

State Public Service Commission

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504

Military Traffic Management Command

Military Traffic Management Control
ATTN: Railroads for National Defense
720 Thimble Shoals Blvd., #130
Newport News, VA 23606-2574

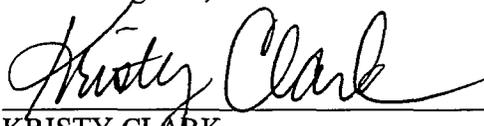
National Park Service

U.S. Department of the Interior
National Park Service
Recreation Resources Assistance Division
1849 C Street, NW
Washington, DC 20240-0001

U.S. Department of Agriculture

U.S. Department of Agriculture
Chief of the Forest Service
4th Floor N.W., Yates Building
201 14th Street, SW
Washington, DC 20250

Dated: August 8, 2008



KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

EXHIBIT C

SURFACE TRANSPORTATION BOARD

STB DOCKET NO. AB-6 (SUB-NO. 465X)

**BNSF RAILWAY COMPANY
--ABANDONMENT EXEMPTION--
KING COUNTY, WASHINGTON**

On August 11, 2008, BNSF Railway Company (BNSF) filed with the Surface Transportation Board a petition under 49 U.S.C. 10502 for exemption from the provision of 49 U.S.C. 10903 for BNSF to abandon a line of railroad extending from Milepost 11.25 to Milepost 23.80, near Wilburton, Washington, which traverses U.S. Postal Service Zip Code 98005, 98004, 98033, 98034, 98011 and 98072, a distance of 12.55 miles in King County, Washington. The line will travel through the Wilburton, Bellevue, Kirkland and Woodinville stations.

The line does not contain federally granted rights of way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. – Abandonment – Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued within 90 days (by November 8, 2008).

Any offer of financial assistance (OFA) under 49 C.F.R. 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1,500. See 49 C.F.R. 1002(f)(25).⁶

⁶ BNSF is also seeking an exemption from the OFA procedures which, if granted, will preclude the filing of an OFA.

All interested persons should be aware that following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use.

Any request for a public use condition under 49 C.F.R. 1152.28 and any request for trail use/rail banking under 49 C.F.R. 1152.29 will be due no later than 20 days after notice of the filing of the petition for exemption is published in the *Federal Register*. Each trail use request must be accompanied by a \$200 filing fee. See 49 C.F.R. 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No. 465X) and must be sent to: (1) Office of the Secretary, Case Control Unit, Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) Kristy Clark, BNSF Railway Company, 2500 Lou Menk Drive, Fort Worth, Texas 76131.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis at (202) 245-0295 [Assistance for the hearing impaired is available through the Federal Information Relay Service at 1-800-877-8339].

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in abandonment proceedings will normally be available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Decided: _____ 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings, Anne K. Quinlan

CERTIFICATE OF PUBLICATION

The undersigned hereby certifies that notice of the proposed abandonment in STB Docket No. AB-6 (Sub-No. 465X) was published on July 2, 2008, in the *The Seattle Times*, a legal newspaper published daily in King and Snohomish counties, Washington as required by 49 C.F.R. § 1105.12.

Dated: August 8, 2008



KRISTY CLARK

General Attorney

BNSF Railway Company

2500 Lou Menk Drive, AOB-3

Fort Worth, Texas 76131

REVISED CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS

BNSF Railway Company ("BNSF"), by and through its authorized representative, Kristy Clark, certifies that on June 24, 2008, BNSF sent copies of the foregoing Environmental and Historic Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Russell Holter
**Dept. of Archaeology and Historic
Preservation**
1063 S. Capitol Way, Suite 106
Olympia, WA 98501

Larry Gosset, Chair
Growth Management & Natural Resources
Committee
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

NOAA
National Geodetic Survey
VIA E-Mail: NGS.InfoCenter@noaa.gov

Charles Natsuhara, Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

Loree' Randall
Shore Lands & Coastal Zone Mgmt.
PO Box 47600
Olympia, WA 98504-7600

Clifford J. Villa, Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Karen Myers, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Western WA Fish and Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

Gregory F. Gress, Chief
Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Larry Fisher, Area Habitat Biologist
Washington Dept. of Fish & Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

Washington Utilities and Transportation
Commission
PO Box 47250
Olympia, WA 98504

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



KRISTY CLARK
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

39354
EB

SERVICE DATE – NOVEMBER 28, 2008

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-6 (Sub-No. 465X)

BNSF RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN KING COUNTY, WA

Decided: November 25, 2008

By petition filed on August 11, 2008, BNSF Railway Company (BNSF) seeks an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon a 12.55-mile rail line that extends from milepost 11.25, near Wilburton, to milepost 23.80, in Woodinville, King County, WA (the line). BNSF also seeks an exemption from the offer of financial assistance (OFA) and public use provisions at 49 U.S.C. 10904 and 49 U.S.C. 10905, respectively. Notice of the filing was served and published in the Federal Register on August 29, 2008 (73 FR 51047). The notice indicated that the segment proposed to be abandoned is part of a rail line that was at the time the subject of three other proceedings.¹ BNSF, King County, WA (King County), and the Port of Seattle (Port) are each parties to the transactions. Accordingly, the notice requested that BNSF, the Port, King County, and any other interested persons provide information regarding their arrangements and intentions for future service.

On September 18, 2008, BNSF, the Port, and King County filed a joint pleading in response to the August 29 notice. Concurrently, King County filed a reply in support of BNSF's petition and also a request for issuance of a notice of interim trail use (NITU). We will grant the exemption from 49 U.S.C. 10903, subject to trail use, environmental, and standard employee protective conditions, but will deny the request for exemption from 49 U.S.C. 10904. We note that, because no requests for a public use condition were filed, the request for exemption from the public use provisions at 49 U.S.C. 10905 is moot.

BACKGROUND

According to BNSF, the line was built in 1891 by Northern Pacific Railway Company (Northern Pacific) to connect the Kirkland, WA and Bellevue, WA areas with a major Northern

¹ The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Railway Company, STB Finance Docket No. 35128 (STB served June 20, 2008, and Oct. 27, 2008), BNSF Railway Company—Abandonment Exemption—in King County, WA, STB Docket No. AB-6 (Sub-No. 464X) (STB served Sept. 26, 2008, and Oct. 27, 2008), and BNSF Railway Company—Abandonment Exemption—in King County, WA, STB Docket No. AB-6 (Sub-No. 463X) (STB served Sept. 26, 2008, and Oct. 27, 2008).

Pacific line in Renton, WA. After a series of mergers, BNSF became the owner of the line in 1996.

BNSF states that Safeway, Inc. and Weyerhaeuser, Inc. are the shippers currently being served on the line.² BNSF states that the volume of traffic moving to and from the line has been declining steadily in recent years and operations on the line have been marginally profitable solely from an operational standpoint. BNSF states that the annual carloads moving to and from the line over the past 4 years are as follows: 263 carloads in 2005, 244 carloads in 2006, 220 carloads in 2007, and a projected 127 carloads in 2008. According to BNSF, it has experienced economic losses based on the opportunity cost, which it asserts is approximately \$36,500,268,³ as well as maintenance and structure costs, calculated to be at least \$125,500.⁴ According to BNSF, both shippers have agreed to use a local transload facility located about 10 miles from their facilities. Once the two shippers begin using the transload facility, BNSF contends that the line will no longer generate any freight revenues from traffic originating or terminating on the line.

BNSF states that it has entered into an agreement with the Port, which requires BNSF to donate to the Port the right-of-way, track, and other property and physical assets located on the line between milepost 11.25 and milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets located on the line between milepost 23.45 and milepost 23.80.

According to the joint response of BNSF, the Port, and King County, BNSF will enter into a trail use agreement with King County for the line. The Port will grant a public multipurpose easement over the line to permit King County to fulfill its trail use responsibilities. BNSF, in a separate proceeding, seeks to transfer its right and obligation to reactivate rail service on the line to King County.⁵ The petition in that proceeding will be addressed in a separate decision. As previously noted, King County supports BNSF's proposed exemptions from the

² On September 2, 2008, Safeway filed a letter supporting the proposed abandonment of the line. In the letter, Safeway states that it will use a local transloading facility to ship its product beginning in September 2008. In addition to the two shippers identified, on September 12, 2008, International Paper Company filed a letter supporting the proposed abandonment and stating that it also will use a local transloading facility to ship its product beginning in November 2008.

³ BNSF calculated this amount from the asserted net liquidation value of the line, \$243,660,000, multiplied by 14.98 percent, the then current nominal rate of return. See Railroad Cost of Capital-2006, STB Ex Parte No. 558 (Sub-No. 10) (STB served Apr. 15, 2008). It should be noted that the 2007 cost of capital was adjusted to 17.24 percent, which would result in an economic loss of \$42,006,984 for BNSF. See Railroad Cost of Capital-2007, STB Ex Parte No. 558 (Sub-No. 11) (STB served Sept. 26, 2008).

⁴ BNSF calculated this amount based on a normalized maintenance cost of \$10,000 per mile to maintain the line in Class 1 operating conditions as used in other Board proceedings.

⁵ King County has filed a petition in King County, WA-Acquisition Exemption-BNSF Railway Company, STB Finance Docket No. 35148.

requirements of 49 U.S.C. 10904 and 10905, as well as the series of planned transactions. The Board has received no filings in opposition to BNSF's petition.

DISCUSSION AND CONCLUSIONS

Under 49 U.S.C. 10903, a rail line may not be abandoned without our prior approval. Under 49 U.S.C. 10502, however, we must exempt a proposed abandonment from regulation under 49 U.S.C. 10903 when we find that: (1) continued regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. 10101; and (2) either (a) the transaction or service is of limited scope, or (b) regulation is not necessary to protect shippers from the abuse of market power.

Detailed scrutiny under 49 U.S.C. 10903 is not necessary to carry out the rail transportation policy. By minimizing the administrative expense of an abandonment application, an exemption will expedite regulatory decisions and reduce regulatory barriers to exit [49 U.S.C. 10101(2) and (7)]. An exemption will also foster sound economic conditions by relieving BNSF of the costs of maintaining and operating a marginally profitable line where traffic is expected to cease by the end of this year [49 U.S.C. 10101(5)]. This in turn will encourage efficient rail management by allowing BNSF to apply its assets more productively elsewhere in its rail system [49 U.S.C. 10101(9)]. Other aspects of the rail transportation policy will not be adversely affected.

Regulation of the proposed transaction is not necessary to protect shippers from the abuse of market power. Apparently, Safeway and Weyerhaeuser, the current shippers on the line, have both agreed to use a local transloader to transport their products. There are no other prospects for future rail traffic. Nevertheless, to ensure that Safeway and Weyerhaeuser are informed of our action, we will require BNSF to serve a copy of this decision on them within 5 days from its service date and to certify to us that it has done so. Given our market power finding, we need not determine whether the proposed abandonment is limited in scope.

Under 49 U.S.C. 10502(g), we may not use our exemption authority to relieve a carrier of its statutory obligation to protect the interests of its employees. Accordingly, as a condition to granting this exemption, we will impose the employee protective conditions set forth in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979).

As indicated, BNSF also seeks an exemption from the OFA provisions of 49 U.S.C. 10904 and from the public use provisions of 49 U.S.C. 10905. In support, BNSF argues that this abandonment should be exempted from these provisions because the shippers will no longer require service over the line; the line is no longer required for common carrier rail service; and there is another public use for the line, as it has entered into an agreement with King County, which seeks to acquire the line for interim trail use/rail banking and possibly commuter rail service.

The OFA provisions reflect a Congressional desire to preserve, whenever possible, any prospect for continuing or resuming rail freight service on corridors that would otherwise be abandoned. See Redmond—Issaquah R.R. Pres. Ass'n v. STB, 223 F.3d 1057, 1061-63 (9th Cir.

2000). While exemptions from 49 U.S.C. 10904 and 49 U.S.C. 10905 have been granted from time to time, they have been granted when the right-of-way is needed for a valid public purpose and there is no overriding public need for continued rail service.⁶

Here, however, petitioner has not justified an exemption from the OFA procedures. It is well-established that OFAs to acquire rail lines for continued rail service or to subsidize rail operations take priority over interim trail use/rail banking.⁷ Recently, in Mid-Michigan Railroad, Inc.—Abandonment Exemption—In Kent, Ionia, and Montcalm Counties, MI, STB Docket No. AB-364 (Sub-No. 14X) (STB served June 9, 2008), the Board reaffirmed this approach when it denied a request for exemption even when the railroad had entered into an agreement with a potential trails user. Thus, the desire to establish a trail on the line does not justify an exemption from the OFA process here.

BNSF also mentions the possibility of commuter rail service but does not give any details or a time frame for when this service might be expected. While commuter rail and construction of public roads have been considered as valid public purposes to justify an exemption from the OFA procedures, these instances involved cases where definite plans have been made. See Virginia Beach; CSX Transportation, Inc.—Abandonment Exemption—In Pike County, KY, STB Docket No. AB-55 (Sub-No. 653X) (STB served Sept. 13, 2004); and Union Pacific Railroad Company—Abandonment Exemption—In Pima County, AZ, STB Docket No. AB-33 (Sub-No. 141X) (STB served Feb. 16, 2000).

Because we find no reasonable basis that would justify departure from Congress's objective of providing an opportunity for maintaining rail service, petitioner's request for exemption from the OFA provisions at 49 U.S.C. 10904 will be denied and the OFA process will be allowed to proceed. We note that requests for a public use condition were due September 18, 2008, and, because none was filed, the request for exemption from the public use provisions at 49 U.S.C. 10905 is moot.

As previously mentioned, King County filed a request for issuance of a NITU under the National Trails System Act, 16 U.S.C. 1247(d) (Trails Act). King County has submitted a statement of willingness to assume full financial responsibility for the management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for payment of any and all taxes that may be levied or assessed against, the right-of-way, as required at 49 CFR 1152.29, and acknowledged that the use of the right-of-way for trail purposes is subject to future

⁶ See Norfolk Southern Railway Company—Abandonment Exemption—In Norfolk and Virginia Beach, VA, STB Docket No. AB-290 (Sub-No. 293X), slip op. at 6 (STB served Nov. 6, 2007) (Virginia Beach); see also CSX Transportation, Inc.—Abandonment—In Barbour, Randolph, Pocahontas, and Webster Counties, WV, STB Docket No. AB-55 (Sub-No. 500) (STB served Jan. 9, 1997) and Southern Pacific Transportation Company—Discontinuance of Service Exemption—In Los Angeles County, CA, Docket No. AB-12 (Sub-No. 172X), et al. (ICC served Dec. 23, 1994).

⁷ See Rail Abandonments—Use of Rights-of-Way as Trails, 2 I.C.C.2d 591, 608 (1986) (Trails).

reconstruction and reactivation for rail service. By letter filed on October 24, 2008, BNSF supports the issuance of a NITU.

Because King County's request complies with the requirements of 49 CFR 1152.29 and BNSF is willing to negotiate for trail use, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If the parties reach a mutually acceptable final agreement, no further Board action is necessary. If no agreement is reached within 180 days, BNSF may fully abandon the line subject to any outstanding conditions. See 49 CFR 1152.29(d)(1). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

The parties should note that operation of the trail use procedures could be delayed, or even foreclosed, by the financial assistance process under 49 U.S.C. 10904. As stated in Trails, 2 I.C.C.2d at 608, OFAs to acquire rail lines for continued rail service take priority over interim trail use/rail banking. Accordingly, if an OFA is timely filed under 49 CFR 1152.27(c)(1), the effective date of this decision and notice will be postponed beyond the effective date indicated here. See 49 CFR 1152.27(e)(2). In addition, the effective date may be further postponed at later stages in the OFA process. See 49 CFR 1152.27(f). Finally, if the line is sold under the OFA procedures, the petition for abandonment exemption will be dismissed and trail use precluded. Alternatively, if a sale under the OFA process does not occur, the trail use process may proceed.

BNSF submitted environmental and historic reports with its petition and notified the appropriate Federal, state, and local agencies of the opportunity to submit information concerning the energy and environmental impacts of the proposed abandonment. See 49 CFR 1105.11. The Board's Section of Environmental Analysis (SEA) has examined the environmental report, verified the data it contains, and analyzed the probable effects of the proposed action on the quality of the human environment. SEA served an environmental assessment (EA) on October 10, 2008, requesting comments by October 24, 2008.

SEA states in the EA that BNSF hired Archaeological Investigations Northwest, Inc. (AINW) to conduct a pedestrian survey of the line. AINW prepared a Historic Resource Inventory of the abandonment and served it on Washington's Department of Archaeology and Historic Preservation (SHPO). The rail line includes three bridges over 50 years old. One bridge, the Wilburton Trestle at Mercer Slough at milepost 11.5, has previously been documented and is listed in the National Register of Historic Places (National Register). Accordingly, SEA recommends that BNSF: (1) be required to retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way that are eligible for listing or listed in the National Register until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA); (2) be required to report back to SEA regarding any consultations with the SHPO and the public; and (3) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the section 106 process has been completed and the Board has removed this condition.

SEA received one comment from the Muckleshoot Indian Tribe Fisheries Division (Tribe). The Tribe expressed concern regarding the possible existence of fish barriers, per the Washington Department of Fish and Wildlife's (WDFW) fish passage barrier and assessment, at culvert locations with respect to the Tribe's treaty protected salmonids. In response, SEA recommends that BNSF be required to consult with the WDFW and the Tribe regarding the Tribe's concerns.

The conditions recommended by SEA both in the EA, and in response to the comment filed after the EA was served, will be imposed. Based on SEA's recommendation, we conclude that the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Under 49 U.S.C. 10502, we exempt BNSF from the prior approval requirements of 49 U.S.C. 10903 for the abandonment of the above-described line, subject to the employee conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979), and subject to the conditions that BNSF shall: (1) retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures and objects within the project right-of-way that are eligible for listing or listed in the National Register until the completion of the section 106 process of the NHPA; (2) report back to SEA regarding any consultations with the SHPO and the public; (3) be prohibited from filing its consummation notice or initiating any salvage activities related to abandonment (including removal of track and ties) until the section 106 process has been completed and the Board has removed this condition; and (4) consult with the WDFW and the Tribe regarding the fish barriers.

2. BNSF's request for exemption from the provisions of 49 U.S.C. 10904 is denied and its request for exemption from the provisions of 49 U.S.C. 10905 is denied as moot.

3. BNSF must serve a copy of this decision on Safeway and Weyerhaeuser within 5 days of the service date of this decision and certify to the Board that it has done so.

4. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.

5. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations for the right-of-way.

6. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. In the absence of an OFA that leads to the purchase or subsidy of the line under 49 U.S.C. 10904, if an agreement for interim trail use/rail banking is reached by May 27, 2009, interim trail use may be implemented; if no trail use agreement is reached by that time, BNSF may fully abandon the line, provided the conditions imposed above are met.

8. An OFA under 49 CFR 1152.27(c)(1) to allow rail service to continue must be received by BNSF and the Board by December 8, 2008, subject to time extensions authorized under 49 CFR 1152.27(c)(1)(i)(C). The offeror must comply with 49 U.S.C. 10904 and 49 CFR 1152.27(c)(1). Each OFA must be accompanied by the filing fee of \$1,500. See 49 CFR 1002.2(f)(25).

9. OFAs and related correspondence to the Board must refer to this proceeding. The following notation must be typed in bold face on the lower left-hand corner of the envelope: **"Office of Proceedings, AB-OFA."**

10. Provided no OFA has been received, this exemption will be effective on December 28, 2008. Petitions to stay must be filed by December 15, 2008, and petitions to reopen must be filed by December 23, 2008.

11. In the absence of a successful OFA or an agreement under the Trails Act, pursuant to the provisions of 49 CFR 1152.29(e)(2), BNSF shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by BNSF's filing of a notice of consummation by November 28, 2009, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire. If a legal or regulatory barrier to consummation exists at the end of the 1-year period, the notice of consummation must be filed no later than 60 days after satisfaction, expiration, or removal of the legal or regulatory barrier.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, and Commissioner Buttrey.

Anne K. Quinlan
Acting Secretary

39306
SEA

SERVICE DATE – OCTOBER 10, 2008

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB Docket No. AB-6 (Sub-No. 465X)

**BNSF Railway Company – Petition For Exemption –
in King County, WA**

BACKGROUND

In this proceeding, BNSF Railway Company (BNSF) filed a petition for exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of a line of railroad in King County, Washington. The rail line proposed for abandonment extends 12.55 miles from milepost 11.25 at Wilburton to milepost 23.80 at Woodinville (the Line). A map depicting the Line in relationship to the area served is appended to this Environmental Assessment (EA). If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

ENVIRONMENTAL REVIEW

BNSF submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities. BNSF served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) has reviewed and investigated the record in this proceeding.

Diversion of Traffic

According to BNSF, there are two customers located on the Line, Safeway and Weyerhaeuser. BNSF states that a total of 263 carloads were shipped over the Line in 2005, 244 car loads in 2006, and 220 carloads in 2007. Safeway receives approximately 96 carloads per year. Weyerhaeuser had in recent years shipped 96 carloads a year but its volume has recently declined to approximately 12 per year. Safeway and Weyerhaeuser will use a local transloader, located about 10 miles from their facilities, to transport their products beginning in the early part of the fourth quarter of 2008. BNSF states that Weyerhaeuser and Safeway, the shippers on the Line, are supportive of the proposed abandonment.

During the base year (2007), 220 cars moved on the Line. Using a rail-to-truck conversion factor of four trucks per railcar,¹ SEA calculates that on a per day basis, if all the rail traffic is diverted to truck traffic, the abandonment would generate an estimated 880 new trucks per year (1760 truck trips assuming an empty backhaul). This increase in truck traffic would not exceed the Board's thresholds of an increase of more than ten percent of the average daily traffic (ADT) or 50 vehicles a day on any affected road segment. See 49 CFR 1105.7(e)(5)(C).

The Line is stub-ended (accessible from the national rail network at only one point) and no longer capable of handling overhead traffic.

Transportation Impacts

Because the transload facility is approximately 10 miles from the Safeway and Weyerhaeuser facilities and because the additional truck movements would be partially offset by the reduced BNSF train movements, the proposed abandonment would result in only a small increase in the consumption of diesel fuel.

Salvage Activities

Impacts from salvage and disposal of a rail line typically include removal of tracks and ties, removal of ballast, dismantling of any bridges or other structures that may be present on the rail right-of-way, and re-grading of the right-of-way.

The Line passes through a region that is urban/suburban in nature with much of the right-of-way being lined with trees and shrubs. The Line passes through industrial, commercial, and residential zones, at times running parallel to Interstate 405 or within view of Lake Washington. The Line utilizes underpasses and overpasses to traverse the hilly landscape.

There are no current plans to salvage the Line. BNSF states that they have entered into an agreement with the Port of Seattle (Port) where BNSF will donate to the Port the right-of-way, track, and other property and physical assets located on the portion of the Line between milepost 11.25 and milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets of the Line between milepost 23.45 and milepost 23.80. In that the Port is considering multiple possibilities for the Line's ultimate use, no salvage activities or track removal will be performed on the Line.

BNSF has also agreed to rail-bank the Line with King County who will serve as the Interim Trail User for federal railbanking purposes. The "BNSF Rail Corridor Preservation Study," a publication in the public domain prepared by Puget Sound Regional Council, supports retaining the corridor.

¹ The conversion factor is an estimate used to calculate the rail to truck conversion of varied commodities.

There are 17 public at-grade crossings, 10 public railroad under-crossings, five railroad over-crossings and eight private at-grade crossings on the Line. As no salvage is planned, all crossing signals and signs would remain in place and operational if abandonment authority is granted.

Given that no salvage would be done, there would be no air emissions or noise associated with the abandonment to impact the surrounding area.

BNSF states that the proposed abandonment is consistent with existing land use plans. BNSF contacted the Metropolitan King County Council concerning the abandonment. To date, no response to the proposed abandonment has been received.

BNSF contacted the Natural Resources Conservation Service (NRCS). NRCS reviewed the area of the proposed abandonment and responded that the proposed abandonment would have no effect on any prime agricultural, or other important farmlands.

According to BNSF, King County is within a designated coastal zone. BNSF contacted the Washington Department of Ecology's Washington Shorelines and Environmental Assistance group. They responded stating that a Coastal Zone Management review is not required for the project as described.

The U.S. Fish and Wildlife Service (USFWS) submitted comments stating that effects of the proposed abandonment on endangered or threatened species or areas designated as a critical habitat would not be expected.

The National Park Service responded stating that there are no National Park Service Units within the proposed project impact area.

The Washington Department of Ecology, Northwest Regional Office (WDE) responded stating that as nothing will be removed and no construction would occur, no permit under Section 402 of the Clean Water Act is needed.

The U.S. Army Corps of Engineers submitted comments stating that the Line crosses the Sammamish River which is a navigable body. Any work that would affect the river would require a Department of the Army permit under Section 10 of the River and Harbors Act and possibly a Section 404 permit of the Clean Water Act. They also stated that there are wetlands and floodplains along the entire project corridor and that placement of fill materials into wetlands would also require a Section 404 permit. Because no salvage work would be performed, there would be no work in navigable waters or placement of fill materials into wetlands. As such, no Section 10 or Section 404 permits will be required.

The U.S. Environmental Protection Agency submitted comments, stating, "If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad right-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean

Water Act should be required.” As discussed above, the Port intends to purchase the Line with the track and structures intact.

BNSF contacted the National Geodetic Survey and received an e-mail response. They stated that approximately five geodetic survey marks may be located in the area of the Line. They also state that if the marks will be disturbed or destroyed by the abandonment, BNSF shall consult with them at least 90 days prior to beginning salvage activities. As no salvage would be done, no marks would be disturbed or destroyed.

Based on all information available to date, SEA does not believe that the abandonment would cause significant environmental impacts.

HISTORIC REVIEW

BNSF hired Archaeological Investigations Northwest, Inc. (AINW) to conduct a pedestrian survey of the Line. AINW prepared a Historic Resource Inventory of the abandonment. An original copy of the Inventory with original photographs was served on Washington’s Department of Archaeology and Historic Preservation (SHPO), pursuant to 49 CFR 1105.8(c). Special attention was given to the three bridges on the Line. Other features dating to the historic period were noted and photographed, when observed.

The rail includes three bridges over 50 years old. One bridge, the Wilburton Trestle at Mercer Slough at milepost 11.5, has previously been documented and is listed in the National Register of Historic Places (NRHP). AINW recommends that the railroad is eligible for listing in the NRHP, and that the bridges are considered to be contributing features. In addition, the rails, ties, switches, berms, and alignments are also considered to be contributing features.

To date, no comments have been received from the SHPO. Accordingly, we will recommend that a condition be imposed requiring the railroad to take no steps to alter the historic integrity of all sites and structures on the Line that are eligible for listing in the National Register until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f. In addition to the parties on the Board’s service list for this proceeding, SEA is providing a copy of this EA to the SHPO.

SEA conducted a search of the Tribal Directory Assessment Tool at www.hud.gov/offices/cpd/environment/tribal/index.cfm to identify Federally recognized tribes that may have ancestral connections to the project area. The database indicated that the following five Federally recognized tribes may have knowledge regarding properties of traditional religious and cultural significance within the right-of-way of the proposed abandonment: Confederated Tribes and Bands of the Yakama, Confederated Tribes of the Colville Reservation, Muckleshoot Indian Tribe of the Muckleshoot, Port Gamble Indian Community of the Port Gamble, Puyallup Tribe of the Puyallup Reservation, and Snoqualmie Tribe. Accordingly, SEA is sending a copy of this EA to these tribes for review and comment.

CONDITIONS

We recommend that the following condition be imposed on any decision granting abandonment authority:

1. BNSF Railway Company shall retain its interest in and take no steps to alter the historic integrity of all historic properties including sites, buildings, structures, and objects within the project right-of-way (the Area of Potential Effect) that are eligible for listing or listed in the National Register of Historic Places until the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f, has been completed. BNSF Railway Company shall report back to the Section of Environmental Analysis regarding any consultations with the Washington State Historic Preservation Officer and the public. BNSF Railway Company may not file its consummation notice or initiate any salvage activities related to abandonment (including removal of tracks and ties) until the Section 106 process has been completed and the Board has removed this condition.

CONCLUSIONS

Based on the information provided from all sources to date, SEA concludes that, as currently proposed, and if the recommended condition is imposed, abandonment of the Line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Assistance, Governmental Affairs, and Compliance responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact this office directly at (202) 245-0238, or mail inquiries to Surface Transportation Board, Office of Public Assistance, Governmental Affairs, and Compliance, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this Environmental Assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of **Alan Cassidy**, who prepared this Environmental Assessment. Environmental comments may also be filed electronically on the Board's website, www.stb.dot.gov, by clicking on the "E-FILING" link. **Please refer to Docket No. AB-6 (Sub-No. 465X) in all correspondence, including e-filings, addressed to the Board.** If you have any questions regarding this Environmental Assessment, please contact Alan Cassidy, the environmental contact for this case, by phone at (202) 245-0308, fax at (202) 245-0454, or e-mail at alan.cassiday@stb.dot.gov.

Date made available to the public: October 10, 2008.

Comment due date: October 24, 2008.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Anne K. Quinlan
Acting Secretary

Attachment

39297

SERVICE DATE – AUGUST 29, 2008

DO

FR-4915-01-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-6 (Sub-No. 465X)]

BNSF Railway Company — Abandonment Exemption — in King County, WA

On August 11, 2008, BNSF Railway Company (BNSF) filed with the Board a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a 12.55-mile line of railroad extending from milepost 11.25 near Wilburton to milepost 23.80 in Woodinville, King County, WA. The line traverses United States Postal Service Zip Codes 98004, 98005, 98011, 98033, 98034, and 98072.

In addition, BNSF seeks exemption from the offer of financial assistance (OFA) and public use provisions at 49 U.S.C. 10904 and 49 U.S.C. 10905, respectively. In support, BNSF contends that an exemption from these provisions is necessary to permit conveyance of the line and its physical assets to the Port of Seattle (Port).¹ BNSF has also agreed to rail bank the line with King County which will serve as interim trail user. These additional exemption requests will be addressed in the final decision.

The segment proposed to be abandoned is part of a rail line that is currently the subject of three separate proceedings. In The Port of Seattle—Acquisition Exemption—Certain Assets of BNSF Railway Company, STB Finance Docket No. 35128 (STB served

¹ BNSF and the Port have entered into an agreement pursuant to which BNSF will donate to the Port the right-of-way, track, and other property and physical assets located on the line between milepost 11.25 and milepost 23.45. Pursuant to a separate agreement, BNSF will sell to the Port the right-of-way, track, and other property and physical assets located on the line between milepost 23.45 and milepost 23.80.

agreement with King County for King County to serve as interim trail user. Further, it is unclear what rail service, if any, is anticipated or would be provided and whether the above-mentioned line segments would remain sufficiently connected to allow for any freight or passenger rail service.

The line does not contain federally granted rights-of-way. Any documentation in BNSF's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in Oregon Short Line R. Co. — Abandonment — Goshen, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). ~~A final decision will be issued by November 28, 2008.~~

Any OFA under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption, unless the Board grants the requested exemption from the OFA process. Each OFA must be accompanied by a \$1,500 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Unless the Board grants the requested exemption from the public use provisions, any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 ~~will be due no later than September 18, 2008.~~ Each trail use request must be accompanied by a \$200 filing fee. See 49 CFR 1002.2(f)(27)(i).

All filings in response to this notice must refer to STB Docket No. AB-6 (Sub-No. 465X) and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W.,

Washington, DC 20423-0001; and (2) Kristy Clark, BNSF Railway Company, 2500 Lou Menk Drive, AOB-3, Fort Worth, TX 76131. Replies to the petition are due on or before September 18, 2008.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 245-0305. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at
"WWW.STB.DOT.GOV."

Decided: August 25, 2008.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Anne K. Quinlan

Acting Secretary



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 981039
Fort Worth, TX 76161
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Re: *STB Docket No. AB-6 (Sub-No. 465X)*
BNSF Railway Company Abandonment Exemption in King County, Washington

Dear Ms. Rutson:

Enclosed for filing in STB Docket No. AB-6 (Sub-No. 465X) are the original and ten copies of BNSF Railway Company's Environmental and Historic Reports and Certificate of Service prepared pursuant to 49 CFR§1105.7 and §1105.8.

BNSF anticipates filing a Petition for Exemption seeking authority to abandon or discontinue service of the 12.55-mile rail line on or after July 15, 2008.

Sincerely,

Kristy D. Clark
General Attorney

Enclosures: As stated

KDC/so



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Russell Holter
Department of Archaeology and Historic Preservation
1063 S. Capitol Way, Suite 106
Olympia, WA 98501

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Russell:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board (“STB”) a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the “Line”). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent historic analyses of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (“SEA”), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Larry Fisher
State of Washington Department of Fish and Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company - Abandonment Exemption - King County, WA**

Dear Larry:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Larry Gosset
Metropolitan King County Council
Growth Management and Natural Resources Committee
516 Third Avenue, Room 1200
Seattle, WA 98104

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Larry:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Jim:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Gregory Gress
U.S. National Park Service, Pacific West Region
One Jackson Center
1111 Jackson Street, Suite 700
Oakland, CA 94607

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Greg:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,


Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive - AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Loreé Randall
Shore Lands and Coastal Zone Management Program
PO Box 47600
Olympia, WA 98504-7600

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company - Abandonment Exemption - King County, WA**

Dear Loreé:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,


Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Karen Myers
U.S. Fish and Wildlife Service
Western Washington Fish and Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Karen:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Chuck Natsuhara
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Chuck:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive -- AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Gerald Shervey
Washington Department of Ecology
NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Jerry:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Tom:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,



Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Clifford Villa
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

Dear Clifford:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,


Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

National Oceanic and Atmospheric Administration
National Geodetic Survey

VIA E-Mail

NGS.InfoCenter@noaa.gov

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

To Whom It May Concern:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,


Kristy D. Clark
General Attorney

KDC/so

Enclosure



Kristy D. Clark
General Attorney

BNSF Railway Company
PO Box 961039
Fort Worth, TX 76161
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131-2828
817-352-3394
817-352-2397 fax

Kristy.Clark@BNSF.com

June 24, 2008

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504

**Re: STB Docket No. AB-6 (Sub-No. 465X)
BNSF Railway Company – Abandonment Exemption – King County, WA**

To Whom It May Concern:

On or after July 15, 2008 BNSF Railway Company will be filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon or discontinue service of a 12.55-mile rail line beginning at milepost 11.25 in Wilburton and ending at milepost 23.80 in Woodinville (the "Line"). The Line traverses United States Postal ZIP Codes 98072, 98034, 98033, 98174, 98004 and 98005 in King County, Washington. Enclosed is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing these reports so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis ("SEA"), Surface Transportation Board, 395 E Street, S.W., Washington, D.C. 20423-0001, telephone (202) 245-0295, and refer to the above docket number. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA, with a copy to BNSF, would be appreciated within three weeks.

Your comments will be considered by the STB in evaluating the historic preservation impacts of the contemplated action. If there are any questions concerning these reports, please contact Susan Odom (phone: 817-352-6432; e-mail: susan.odom@bnsf.com) or me at the contact information set forth above.

Sincerely,

Kristy D. Clark
General Attorney

KDC/so

Enclosure

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

| | | |
|-----------------------------------|---|------------------------|
| BNSF RAILWAY COMPANY |) | |
| ABANDONMENT EXEMPTION |) | DOCKET NO. AB-6 |
| IN KING COUNTY, WASHINGTON |) | (SUB-NO. 465X) |

ENVIRONMENTAL REPORT

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Kristy Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Service Date: June 24, 2008

ENVIRONMENTAL REPORT

(49 C.F.R. 1105.7)

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 12.55-mile rail line located between Milepost 11.25, at Wilburton, and Milepost 23.80, at Woodinville, in King County, Washington (the "Line"). A map of the project area is attached as Exhibit A.

There are currently two customers located on the Line, Safeway which receives approximately 96 carloads of food products per year, and Weyerhaeuser which in recent years shipped approximately 96 carloads of paper products per year. Weyerhaeuser's traffic has recently declined, however, to approximately one car per month. Safeway and Weyerhaeuser will use a local transloader, located about 10 miles from their facilities to transport their products beginning in the early part of the fourth quarter of 2008.

The Line will not be salvaged. The Port of Seattle ("Port") intends to purchase the Line from BNSF with track and structures intact. Possible future uses include trail use and commuter rail service. To the best of BNSF's knowledge, the Port intends to allow King County, Washington to railbank a portion of the line and the Port will determine the remainder of Line's ultimate use after seeking input from the public.

(2) Transportation System Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

No passenger traffic will be diverted to other modes as a result of the proposed abandonment. The proposed action is expected to divert approximately 108 to 192 railcars to short-haul truck movements a year, depending on the future volume of traffic shipped by Weyerhaeuser.

(3) Land Use

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed action is consistent with existing land use plans. The real and personal property will be sold to the Port. The Port has entered into a purchase and sale agreement with BNSF for the Line dated March 12, 2008 and King County intends to railbank a portion of the Line for inclusion in its trail program as stated above. The BNSF Rail Corridor Preservation Study, a publication in the public domain prepared by Puget Sound Regional Council, supports retaining the BNSF corridor.

We contacted the Metropolitan King County Council concerning the proposed abandonment, (see our letter to Metropolitan King County Council, attached hereto as Exhibit B). As of the date of this Environmental Report, the Metropolitan King County Council has not responded directly to our inquiry.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

Charles Natsuhara, Area Resource Soil Scientist for Natural Resources Conservation Service states in his letter dated January 31, 2008 (copy attached hereto as Exhibit C), "the proposed abandonment will have no effect on any prime agricultural, or other important farmlands."

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

The proposed abandonment is located within a designated coastal zone. Loree Randall, Federal Permit Unit, Shorelands and Environmental Assistance Program, Washington Department of Ecology stated in an e-mail dated June 19, 2008 (copy attached hereto as Exhibit D): "I would agree that at this time CZM review is not required. However if the Port of Seattle in future plan on conducting any improvements for a commuter rail they will need to go through the CZM review process".

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

The right of way is suitable for use as a trail. King County intends to railbank the Line for inclusion in its trail program.

(4) Energy

(i) Describe the effect of the proposed action on transportation of energy resources.

The proposed abandonment will have no effect on the transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment will not adversely affect movement or recovery of recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

As previously noted, one of the customers on the Line, Safeway, receives approximately 96 carloads a year. BNSF estimates a conversion rate of 4 trucks per railcar for the Safeway traffic, resulting in 384 new truck movements per year, or 1.6 truck movements per day in each direction (assuming an empty backhaul), based on 240 workdays per year. The second shipper, Weyerhaeuser, historically shipped approximately 96 carloads a year. BNSF estimates a conversion rate of 3 trucks per railcar for the historical Weyerhaeuser traffic, resulting in 288 new truck movements per year, or 1.2 truck movements per day in each direction (assuming an empty backhaul), based on 240 workdays per year. At current traffic volumes, Weyerhaeuser would require 36 new truck movements per year, or 0.15 truck movement per day in each direction (assuming an empty backhaul), based on 240 workdays per year. Because the local transload facility is only about 10 miles from the Safeway and Weyerhaeuser facilities and because the additional truck movements will be partially offset by the reduced BNSF train movements, the proposed abandonment will result in only a very small increase in the consumption of diesel fuel.

(iv) *If the proposed action will cause diversions from rail to motor carriage of more than:*

(A) *1,000 rail carloads a year, or*

(B) *an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.*

The proposed abandonment will result in a diversion of rail to motor carriage for only about a 10-mile portion of the current rail movement. Even if the traffic moving to and from the Line were to be diverted totally to truck, the diversions would be well below the above specified thresholds. Based on Weyerhaeuser's and Safeway's normal traffic volumes, a total of 192 railcars per year, or 15.3 rail carloads per mile per year would be diverted. Based on current traffic volumes for both Weyerhaeuser and Safeway, a total of 108 railcars per year, or 8.6 rail carloads per mile per year would be diverted.

(5) *Air*

(i) *If the proposed action will result in either:*

(A) *an increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line affected by the proposal, or*

(B) *an increase in rail yard activity of at least 100 percent (measured by carload activity), or*

(C) *an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

The proposed action will not result in meeting or exceeding the specified thresholds for increased rail or truck traffic as outlined in

(i) (A), (B) or (C) above.

(ii) *If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:*

(A) *an increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*

(B) *an increase in rail yard activity of at least 20 percent (measured by carload activity), or*

(C) *an average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or a case involving the reinstatement of service over a previously abandoned line, only the three train a day threshold in this item shall apply.*

The proposed action will not result in meeting or exceeding the specified thresholds in (ii) (A), (B) or (C) above.

(iii) *If the transportation of ozone depleting materials (such as nitrogen oxide and Freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.*

The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) Noise *If any of the thresholds identified in item (5) (i) of this section are surpassed, state whether the proposed action will cause:*

(i) *an incremental increase in noise levels of three decibels Ldn or more; or*

(ii) *an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.*

Not Applicable.

(7) Safety

(i) *Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).*

This abandonment should have no adverse effect on health or public safety. There are 17 public at-grade crossings, 10 public railroad under-crossings, five railroad over-crossings and eight private at-grade crossings on the Line. No salvage is currently contemplated so all crossing signals and signs will remain in place and operational.

(ii) *If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.*

The abandonment will not result in the transportation of hazardous materials.

(iii) *If there are any known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.*

There are no known hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way.

(8) Biological Resources

(i) *Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.*

Karen Myers, Fish and Wildlife Biologist, U.S. Fish and Wildlife Service recommended in a January 14, 2008 phone conversation that BNSF

download the relevant lists from the relevant Web sites (including the website for the State of Washington Department of Fish and Wildlife ("WDFW")) to determine what, if any, species are present. By letter dated June 10, 2008 from WDFW, Area Habitat Biologist Larry Fisher (copy attached hereto as Exhibit E) states he "has reviewed the...action and determined that effects on endangered or threatened species or areas designated as a critical habitat would not be expected as a result of this action."

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

There are no known wildlife sanctuaries or refuges located within the proposed project impact area. Gregory Gress, Chief, Pacific Land Resources Program Center, Pacific West Region of the National Park Service stated in his letter dated January 25, 2008 (copy attached hereto as Exhibit F): "there are no National Park Service Units within the proposed project impact area."

(9) Water

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

In an e-mail dated June 16, 2008, Gerald Shervey, PE, Washington Department of Ecology Northwest Regional Office (copy attached hereto as Exhibit G) stated: "The project description in your letter says no rail, ties, or other track structures will be removed. If no construction occurs,

then no permit under Section 402 of the Clean Water Act is needed. No impacts on water quality is involved if no construction."

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

James D. Green, Project Manager, Regulatory Branch, Seattle District, U.S. Army Corps of Engineers stated in an e-mail dated January 16, 2008 (copy attached hereto as Exhibit H) that a Corps permit is required for any work in a navigable water of the United States and for placement of fill materials into wetlands. He further stated that based on his personal knowledge of the project area, there are wetlands and floodplains along the entire project corridor.

Because no salvage work will be performed as a part of the proposed abandonment, there will be no work in a navigable water of the United States and no placement of fill materials into wetlands.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required).

Clifford J. Villa, Assistant Regional Counsel, United States Environmental Protection Agency, Region 10 stated in a letter dated June 6, 2008 (copy attached hereto as Exhibit I): "If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad rights-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under

the Clean Water Act (CWA) should be required." As previously stated, the Line will not be salvaged. The Port intends to purchase the Line from BNSF with track and structures intact. The proposed action is, therefore, consistent with applicable Federal, State and local water quality standards.

(10) Proposed Mitigation. Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

BNSF does not expect any adverse environmental impact from the proposed abandonment and, therefore, sees no need for any mitigating actions. BNSF will, of course, consult (as required) with any recipients of this Environmental Report regarding appropriate mitigation actions and will comply with those mitigation actions required by the Board.

EXHIBIT A



Woodinville Subdivision
King County, Washington

BNSF Line Segment 405
Milepost 11.25 to Milepost 23.80

STB Reference
AB-6, Sub 465X



Base map - United States Geological Survey
Bothell, Maltby, Kirkland and Redmond quadrangles
7.5-minute series

Map source dates: 1979/07/01; 1980/07/01
DRG Creation Date: 1997/04/09
DRG Coordinate System: UTM
DRG Datum: NAD27



EXHIBIT B

Susan Odom
Manager Network Strategy
BNSF Network Development

BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, Texas 76131
tel 817-352-6432
fax 817-352-7154
email susan.odom@bnsf.com

February 22, 2008

Larry Gosset
Chair, Growth Management and Natural Resources Committee
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

Re: STB Docket No. AB-6 (Sub-No. 465X) – Petition for Exemption to Abandon a portion of BNSF Railway Company's Woodinville Subdivision in King County, WA between Milepost 11.25 to Milepost 23.80

Dear Mr. Gosset:

BNSF Railway Company ("BNSF") anticipates filing a Petition for Exemption seeking Surface Transportation Board ("STB") authority in the above-referenced docket to abandon 12.55 miles of railroad line between Milepost 11.25 and Milepost 23.80 on BNSF's Woodinville Subdivision, in King County, Washington.

As part of the environmental report, BNSF is required to contact your committee to determine if the proposed abandonment is consistent with existing land use plans. If applicable, please describe any inconsistencies.

Please note that no rail, ties or other track structures will be removed or relocated in the course of this abandonment.

Your assessment and comments are respectfully requested. For your reference a map of the subject railroad line is attached. Please provide your response to me at the address above, if at all possible, by June 15, 2008. You may contact me by e-mail or phone with any questions or concerns. Thank you in advance for your time and contribution.

Sincerely,

Susan L. Odom
Manager Network Strategy

Enclosure as stated

cc: Karl Morell – Ball Janik LLP – kmorell@billp.com
Kristy Clark – BNSF Law – kristy.clark@bnsf.com
Jerry Johnson – BNSF – jerome.johnson@bnsf.com

United States Department of Agriculture



EXHIBIT C

Natural Resources Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372
(253) 845-9272, Fax (253) 445-9934

January 30, 2008

Susan L. Odom
Manager Network Strategy
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Fort Worth, TX 76131

Re: STB Docket No. AB-6 (Sub-No. 465X) – Abandonment Exemption
Milepost 11.25 to Milepost 23.90 on BNSF Railway Company's
Woodinville Subdivision in King County, WA

Dear Ms. Odom:

I have reviewed the area of the proposed railroad line abandonment. Since the proposed abandonment will be limited to the railroad right of way and no lands outside of the right of way will be impacted, the proposed abandonment will have no effect on any prime agricultural, or other important farmlands.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Charles Natsuhara".

Charles Natsuhara
Area Resource Soil Scientist

EXHIBIT D

Odom, Susan

From: Randall, Loree' (ECY) [lora461@ECY.WA.GOV]
Sent: Thursday, June 19, 2008 10:45 AM
To: Odom, Susan
Cc: Sims, John A; Moore, Jessica (ECY)
Subject: RE: Washington State Railroad Abandonments (AB-6 Sub Nos. 463X, 464X and 465X)

I would agree that at this time CZM review is not required. However if the Port of Seattle in future plan on conducting any improvements for a commuter rail they will need to go through the CZM review process. Let me know if you have any more questions.

Loree' Randall
Department of Ecology
360/407-6068

From: Odom, Susan [mailto:Susan.Odom@BNSF.com]
Sent: Tuesday, June 17, 2008 1:49 PM
To: Randall, Loree' (ECY)
Cc: Sims, John A
Subject: FW: Washington State Railroad Abandonments (AB-6 Sub Nos. 463X, 464X and 465X)

Loree':

BNSF will be filing with the Surface Transportation Board requests to abandon three sections of railroad lines in King County - Milepost 0.0 to 7.3 on BNSF's Redmond Spur, Milepost 5.00 to 10.60 in BNSF's Woodinville Subdivision, and Milepost 11.25 to 23.80 on BNSF's Woodinville Subdivision. In all three situations, there will be no salvage activity along any of the three lines. The track and track structures will be left intact. The land and track will be sold to the Port of Seattle for *possible* future commuter rail use. The purpose of the abandonment is to cancel our common carrier obligation to provide freight rail service.

Consequently, BNSF would like to verify that the projects as described are exempt from Washington CZMA's consistency requirements. Please concur by return e-mail for use in our filing with the STB.
Thank you for your help.

Susan Odom
Manager Network Strategy
BNSF Railway Company
817-352-6432 phone

This message may be confidential and should be read or retained only by the intended recipient. If you have received this transmission in error, please immediately notify the sender by replying to this message and then delete it from your system. Thank you.

From: Moore, Jessica (ECY) [mailto:jemo461@ECY.WA.GOV]
Sent: Friday, June 13, 2008 5:45 PM
To: Odom, Susan
Subject: Washington State Railroad Abandonments

Ms. Odom,

I have received your request for comments regarding the abandonment of three railroad lines:

6/24/2008

EXHIBIT E



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Mailing Address: 16018 Mill Creek Boulevard ☉ Mill Creek, WA 98012
(425) 775-1311 ☉ Fax (425) 379-2323

June 10, 2008

BNSF Railway Company
ATTENTION: Susan L. Odom
Manager Network Strategy
2500 Lou Menk Drive - AOB-30rth, Suite 101
Fort Worth, Texas 76131

Dear Ms. Odom:

**SUBJECT: STB Docket No. AB-6 (Sub-Nos. 463X, 464X, and 465X),
Proposed Abandonment Exemptions in King County, Washington**

The Washington Department of Fish and Wildlife (WDFW) has reviewed the above-referenced action and determined that effects on endangered or threatened species or areas designated as a critical habitat would not be expected as a result of this action.

Thank you for the opportunity to provide this information. If there are any questions regarding this letter, I may be contacted at 425-313-5683 or fisheldf@dfw.wa.gov.

WDFW appreciates your collaboration in our efforts to preserve, perpetuate, and manage the fish and wildlife resources of the state of Washington.

Sincerely,

A handwritten signature in cursive script that reads "Larry Fisher".

Larry Fisher
Area Habitat Biologist

LF:lf:BNSFR.doc



EXHIBIT F

United States Department of the Interior



NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807

IN REPLY REFER TO:
L1425 (PWR-LP)
General

January 25, 2008

Susan Odom
Manager Network Strategy
BNSF Network Development
BNSF Railway Company
2500 Lou Menk Drive – AOB-3
Forth Worth, Texas 76131

Re: STB Docket No. AB-6 (Sub. No. 465X) Abandonment Exemption
Milepost 11.25 to Milepost 23.90 on BNSF Railway Company's Woodinville
Subdivision in King County, WA

Dear Ms. Odom:

Based on the map that your office sent to us on January 8, 2008, depicting the two mileposts in the area of Woodinville Subdivision located in King County, State of Washington, there are no National Park Service Units within the proposed project impact area. If you have any further questions regarding this matter, please contact me at (510) 817-1414.

Sincerely,

Gregory F. Gress
Chief, Pacific Land Resources Program Center
Pacific West Region

TAKE PRIDE™
IN AMERICA

EXHIBIT G

Odom, Susan

From: Sims, John A
Sent: Tuesday, June 17, 2008 7:52 AM
To: Odom, Susan
Subject: FW: STB Docket No. AB-6 (Sub-No. 465X) - Abandonment Exemption - in King County, WA (HIGH PRIORITY)

-----Original Message-----

From: Shervey, Jerry (ECY) [mailto:GSHE461@ECY.WA.GOV]
Sent: Monday, June 16, 2008 7:32 PM
To: Sims, John A
Subject: RE: STB Docket No. AB-6 (Sub-No. 465X) - Abandonment Exemption - in King County, WA (HIGH PRIORITY)

The project description in your letter says no rail, ties, or other track structures will be removed. If no construction occurs, then no permit under Section 402 of the Clean Water Act is needed. No impacts on water quality is involved if no construction.

Please call or write if you need additional information. Thank you.

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452
gshe461@ecy.wa.gov
voice (425) 649-7293 Cel 206 799 2329 fax (425)649-7098
work hours: 8:00 am to 5:30 pm Monday-Thursday, alternate Fridays off

-----Original Message-----

From: Sims, John A [mailto:John.Sims@bnsf.com]
Sent: Thursday, June 12, 2008 1:06 PM
To: Shervey, Jerry (ECY)
Cc: Odom, Susan; Sims, John A
Subject: STB Docket No. AB-6 (Sub-No. 465X) - Abandonment Exemption - in King County, WA (HIGH PRIORITY)

Mr. Shervey,
See attached letter regarding the above-referenced matter. I am assisting Susan Odom. I just wanted to know when we could expect your reply so that we could include it as an exhibit to the environmental report that is being prepared at this time. This abandonment is the priority at this time.

Thank you for your attention in this matter.

Sincerely,
John Sims, Paralegal
BNSF - Law Department
2500 Lou Menk Dr, 3rd Fl
Fort Worth, TX 76131-2828
(817) 352-2376

-----Original Message-----

From: Sims, John A
Sent: Thursday, June 12, 2008 2:58 PM
To: Sims, John A
Subject:

GlobalScan document sent from b802894.

EXHIBIT H

Odom, Susan

From: Green, James D NWS [James.D.Green@usace.army.mil]
Sent: Wednesday, January 16, 2008 1:04 PM
To: Odom, Susan
Subject: FW: STB Docket No. AB-6

Susan: The below message is applicable from Milepost 1.86 to Milepost 7.3 of the Issaquah Spur. However, the same applies for work from Milepost 5.00 to 10.60 and Milepost 11.25 to Milepost 23.90. Jim Green

From: Green, James D NWS
Sent: Wednesday, January 16, 2008 10:57 AM
To: 'susan.odom@bnsf.com'
Subject: STB Docket No. AB-6

Susan: Thank you for your letter dated 8 January 2008. A Corps permit is required for any work in a navigable water of the U.S. I note the railine crosses the Sammamish River which is a navigable water so if any work will affect this river, a Department of the Army permit will be required under Section 10 of the River and Harbors Act and possibly Section 404 of the Clean Water Act. Also, the placement of fill materials into wetlands would require a Section 404 permit.

Based on my knowledge of the project area, there are wetlands and floodplains along the entire project corridor. However, the Corps does not provide the kind of services you requested. It is incumbent upon you to hire a consultant to *determine the extent of wetlands and floodplains in the project corridor and whether or not these resources will be impacted by your proposed work.* If so, you must submit a permit application for processing.

Jim Green, Project Manager
Regulatory Branch, Seattle District
(206) 764-6906

EXHIBIT I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, WA 98101

June 6, 2008

Reply To
Attn Of: ORC-158

Susan Odom
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, TX 76131

Dear Ms. Odom:

Re: STB Docket No. AB-6 (Sub. No. 463X) Issaquah Spur, King County, WA
STB Docket No. AB-6 (Sub. No. 464X) Woodinville Subdivision, King County, WA
STB Docket No. AB-6 (Sub. No. 465X) Woodinville Subdivision, King County, WA

Dear Ms. Odom:

The U.S. Environmental Protection Agency (EPA) has reviewed your letters to me dated January 8, and May 30, 2008, concerning the three abandonment proceedings referenced above. These proposed abandonments concern three segments of Burlington-Northern Santa Fe (BNSF) Railway lines within King County, WA, east of Seattle. In your letters, you requested information on whether or not the proposed abandonment of these BNSF lines would be consistent with applicable water quality standards and whether or not any permits would be required under Section 402 of the Clean Water Act.

If the proposed actions merely entail the abandonment or railbanking and transfer of the railroad rights-of-way, and no discharge of pollutants will occur, EPA agrees that no permits under the Clean Water Act (CWA) should be required. If, however, any proposed action also entails railroad salvage activities, such as the removal of ties and tracks for any purpose, then CWA requirements may be implicated for that action. In particular, if salvage activities involve construction activity (meaning clearing, grading or excavation) that will disturb more than one acre of land, such activity must comply with requirements for obtaining a permit under the CWA National Pollutant Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants in storm water runoff from the disturbed areas to waters of the United States. Please note that areas used for support activities related to the project (e.g., equipment staging yards and material storage areas) must be considered as part of the construction activity, and included in the calculation of total disturbed area. ?

EPA acknowledges BNSF's estimate that none of the three proposed abandonments are expected to disturb more than one acre of land. Confirmation of these estimates will likely fall to the Washington State Department of Ecology (Ecology), to which the NPDES program has been

delegated in this state. Ecology issues NPDES permits for stormwater discharges from construction activities in the State of Washington through its Construction Stormwater General Permit. Information about this NPDES permit is available through the Ecology website at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>. For activities occurring within King County, WA, you may also contact Elaine Worthen of Ecology directly at (360) 407-7229 or ewor461@ecy.wa.gov.

If you or your staff have any general questions for EPA about storm water permitting requirements, please contact Dick Hetherington, Construction Storm Water Program Coordinator, at (206) 553-1941 or hetherington.dick@epa.gov. Legal questions may be directed to me at (206) 553-1185.

Sincerely,



Clifford J. Villa
Assistant Regional Counsel

CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that a copy of the foregoing Environmental and/or Historic Reports in STB Docket No. AB-6 (Sub-No. 465X) for the Wilburton to Woodinville rail line in King County, Washington was served by first class mail on the 24th day of June, 2008 on the following:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Russell Holter
Department of Archaeology and Historic
Preservation
1063 S. Capitol Way, Suite 106
Olympia, WA 98501

Bill Schuger
Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801

Charles Natsuhara
Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

Larry Fisher, Area Habitat Biologist
Washington Department of Fish & Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

Larry Gosset, Chair
Growth Mgmt & Natural Resources Committee
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

Gregory F. Gress
Chief, Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

Karen Myers, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Western Washington Fish and Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

Penny Keys
Shore Lands & Coastal Zone Management
PO Box 47600
Olympia, WA 98504-7600

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Dated this 24th day of June, 2008



Kristy D. Clark

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

| | | |
|-----------------------------------|---|------------------------|
| BNSF RAILWAY COMPANY |) | |
| ABANDONMENT EXEMPTION |) | DOCKET NO. AB-6 |
| IN KING COUNTY, WASHINGTON |) | (SUB-NO. 465X) |

HISTORIC REPORT

BNSF RAILWAY COMPANY
2650 Lou Menk Drive
P.O. Box 96157
Fort Worth, TX 76161-0057

Kristy Clark
General Attorney
BNSF Railway Company
2500 Lou Menk Drive, AOB-3
Fort Worth, Texas 76131

Service Date: June 20, 2008

HISTORIC REPORT

(49 C.F.R. 1105.8)

The Historic Report should contain the information required by 1105.7(e)(1) of the Environmental Report. The following is excerpted from the Environmental Report prepared for the proposed abandonment:

(1) Proposed Action and Alternatives. Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF Railway Company ("BNSF") proposes to abandon the 12.55-mile rail line located between Milepost 11.25, at Wilburton, and Milepost 23.80, at Woodinville, in King County, Washington (the "Line"). A map of the project area is attached as Exhibit A.

There are currently two customers located on the Line, Safeway which receives approximately 96 carloads of food products per year, and Weyerhaeuser which in recent years shipped approximately 96 carloads of paper products per year. Weyerhaeuser's traffic has recently declined, however, to approximately one car per month. Safeway and Weyerhaeuser will use a local transloader, located about 10 miles from their facilities to transport their products beginning in the early part of the fourth quarter of 2008.

The Line will not be salvaged. The Port of Seattle ("Port") intends to purchase the Line from BNSF with track and structures intact. Possible future uses include trail use and commuter rail service. To the best of BNSF's knowledge, the Port intends to allow King County, Washington to railbank a portion of the Line and

the Port will determine the remainder of Line's ultimate use after seeking input from the public.

HISTORIC REPORT

BNSF hired Archaeological Investigations Northwest, Inc. ("AINW") to conduct a pedestrian survey of the Line proposed for abandonment. Attached to this Historic Report as Exhibit B is the AINW Historic Resource Inventory of the BNSF King County Abandonment Project, Washington prepared in August 2007 ("Inventory"). An original copy of the Inventory with original photographs was forwarded to Washington's Department of History and Archaeology upon completion.

1. *A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action.*

The required topographic map included in the Inventory is attached to this Report as Exhibit B. (Source: Historic Resource Inventory of the BNSF King County Abandonment Project, Washington, Figure 1, Sheet A.)

2. *A written description of the right-of-way (including approximate widths, to the extent known), and the topography and urban and/or rural characteristics of the surrounding area*

The subject Line extends approximately 12.55 miles between milepost 11.25 at Wilburton and milepost 23.8 at Woodinville, in King County, Washington. From Wilburton the Line extends in a northerly direction and passes through Bellevue and Kirkland. The right-of-way is generally 100 feet in width.

The region through which the Line travels is urban/suburban in nature with much

of the right-of-way being lined with trees and shrubs. The Line passes through industrial, commercial and residential zones at times running parallel to Interstate 405 and at other times within the view of Lake Washington. The Line utilizes underpasses and overpasses, including the renowned Wilburton Trestle, to traverse the hilly landscape. Please also see page 2, paragraph 2 of the Inventory for a more detailed description.

There are no federally granted rights-of-way involved.

3. *Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area.*

Please see the Historic Property Inventory Reports section of the Inventory.

Qualifying structures include:

- Wilburton Trestle at Mercer Slough (milepost 11.5)
 - Overpass at Kirkland Way (milepost 17.1)
4. *The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations, to the extent such information is known.*
- Wilburton Trestle – originally constructed in 1904, with framing replacements in 1913, 1924, 1933 and 1944 and installation of a steel plate girder supported by concrete buttresses in 1972 to allow for the widening of SE 8th Street.
 - Overpass at Kirkland Way – originally constructed in 1927 with no known dates of major alterations. (Source: ibid.)
5. *A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action.*

The Line was built in 1891 by Northern Pacific Railway Company "as a spur line connecting the Kirkland and Bellevue areas with a major NP line at Renton [WA]. During the early years of operation, this line was primarily used to transport coal and iron from mines located in the hills to the east of the Puget Sound to developing industrial plants, especially the steel mill at Kirkland, established by Peter Kirk...As the Puget Sound economy expanded branches of the railroad webbed out from the commercial centers of Puget Sound extending to developing markets and emerging areas of natural resources. The eastern shore of Lake Washington was home to milling operations of lumber, and coal tar products. Industrialists such as William Renton and Peter Kirk platted cities along Lake Washington's shoreline and engaged with railroad companies to bring spur lines to the plants they built." (Source: *ibid*, Page 4.)

In 1970, NP merged with Great Northern Railway Company, Pacific Coast Railroad Company and Chicago, Burlington & Quincy Railroad Company to become Burlington Northern Inc. The latter changed its name to Burlington Northern Railroad Company ("BNRR") in 1981. BNRR merged with The Atchison, Topeka and Santa Fe Railway Company in 1996 to become The Burlington Northern and Santa Fe Railway Company, whose name changed to BNSF Railway Company in January 2005.

6. *A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic.*

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. These documents are too large for practical reproduction in this report, but can be furnished upon request, if

they are available.

7. *An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 CFR 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities).*

AINW recommends that the Line be eligible for listing on the National Register of Historic Places with the historic bridges as contributing elements. "In addition, the rails, ties, switches, berms, and alignments are also considered to be contributing features."

(Source: *ibid*, Conclusions and Recommendations, page 6)

8. *A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.*

The Line was disturbed during original construction by cuts and fill and any archaeological resources that may have been located in the proposed project area would have been affected at that time. Our records do not indicate any environmental conditions that might affect the archaeological recovery of resources.

9. *Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specific non railroad owned properties or groups of properties immediately adjacent to the railroad right-of-way: photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the location and type of the site (i.e. prehistoric or native American).*

BNSF does not foresee the likelihood that any additional information will need to be supplied in association with the proposed line abandonment other than the

information previously submitted. But, if any additional information is requested, BNSF will promptly supply the necessary information.

EXHIBIT A

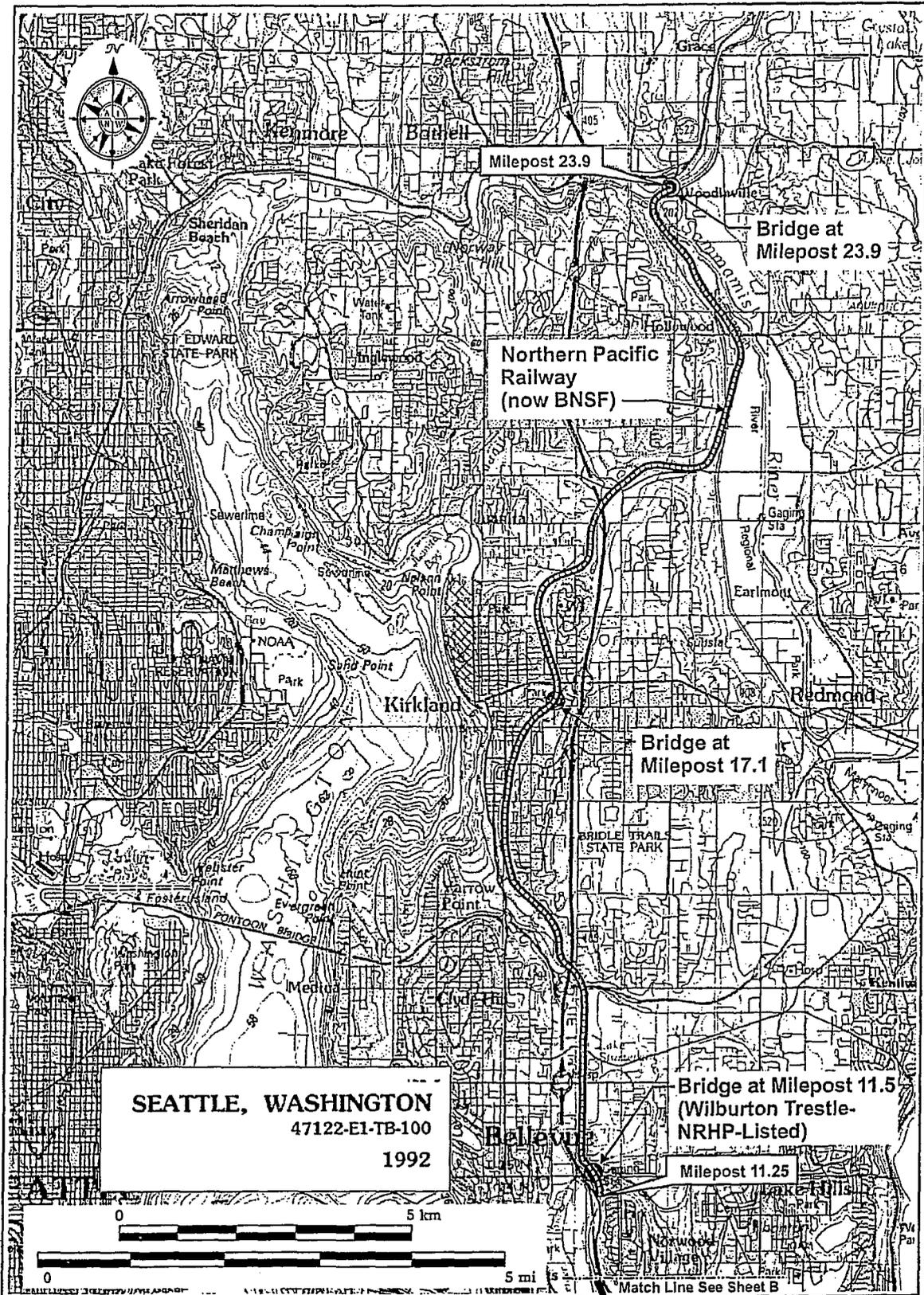


Figure 1. Northern Pacific Railway location (now BNSF), Sheet A.

EXHIBIT B

**HISTORIC RESOURCE INVENTORY OF THE
BNSF KING COUNTY ABANDONMENT PROJECT,
WASHINGTON**

Prepared for
BNSF Railway Company,
Fort Worth, Texas

August 8, 2007

REPORT NO. 1965

Archaeological Investigations Northwest, Inc.

2632 SE 162nd Ave. • Portland, OR • 97236

Phone 503 761-6605 • Fax 503 761-6620

**HISTORIC RESOURCE INVENTORY OF THE
BNSF KING COUNTY ABANDONMENT PROJECT,
WASHINGTON**

PROJECT: BNSF King County Abandonment Project

TYPE: Pedestrian Survey

LOCATION: Township 24 North, Range 5 East, Sections 4, 9, 16, 17, 20, 29, 31, and 32
Township 25 North, Range 5 East, Sections 2, 3, 5, 8, 11, 12, 17, 20, 21, 28,
and 33
Township 26 North, Range 5 East, Sections 9, 15, 16, 22, 27, 28, 32, 33, and 34
Willamette Meridian

USGS QUAD: *Mercer Island, WA., 7.5'; Kirkland, WA., 7.5'; Redmond, WA., 7.5'*

CITIES: vicinities of Bellevue, Kirkland, and Redmond

COUNTY: King

AREA

SURVEYED: 38 kilometers (23.74 miles) along BNSF right-of-way in King County

FINDINGS: Northern Pacific Railway, Lake Washington Beltline – **NRHP-eligible**
6 contributing bridges
Seattle, Lake Shore & Eastern Railway – **NRHP-eligible**
1 contributing bridge

PREPARERS: Jason M. Allen, M.A.

INTRODUCTION

Archaeological Investigations Northwest, Inc. (AINW), has completed a historic resources survey along three segments of Burlington Northern Santa Fe (BNSF) railroads in King County, Washington. BNSF proposes to abandon these railroads, and remove the tracks and ties. BNSF proposes to leave the existing bridges in place, and relinquish ownership of these alignments and bridges to King County for use as a bicycle/pedestrian trail. The Area of Potential Effect (APE) for the present project includes all the area within the BNSF right-of-way between mileposts 5.00 and 10.60 and between mileposts 11.25 and 23.9 on the former Northern Pacific Lake Washington Beltline route and between mileposts 1.86 and 7.30 on the former Seattle, Lake Shore and Eastern rail line between Woodinville and Redmond.

On July 9-11, 2007, AINW Architectural Historians Jason M. Allen and Elizabeth J. O'Brien conducted a field survey of the project APE, giving special attention to the seven bridges included within the project areas. When observed, other features dating to the historic period were noted and photographed. On July 9, 2007, Mr. Allen and Ms. O'Brien conducted documentary research at the State Historic Preservation Office (SHPO) in Olympia, Washington, to determine if either of the railroads, or any railroad-related features within the APE had been previously documented. Only one feature, the Wilburton Trestle, located at MP

11.5, has been previously documented. The Wilburton Trestle is listed in the National Register of Historic Places (NRHP).

The three segments represent portions of two historic railroads. AINW recommends both railroads to be eligible for listing in the NRHP. The three segments include a total of seven railroad bridges, ranging in construction date from 1904 to 1960. All six bridges are recommended to be contributing elements to the eligibility of the two railroads for listing in the NRHP. Although one of the bridges does not yet meet the 50-year age criterion for listing in the NRHP, it will satisfy that criterion in three years, and is recommended for inclusion as a contributing resource. Specific findings are below, followed by conclusions and recommendations.

Northern Pacific Railway Company Lake Washington Beltline (MP 5.00 to MP 10.60 and MP 11.25 to MP 23.9)

The subject railroad consists of two segments, both of which are parts of Northern Pacific Railroad Company's Lake Washington Beltline that extends from a junction near Renton, Washington northward to a junction at Woodinville, Washington. Within that alignment there are two segments proposed for abandonment by the current owner, BNSF. The railroad is a single-track railroad on a built-up rock berm that extends north along the approximate route of I-405, generally staying within approximately 0.75 miles of that highway, until it reaches the I-405/NE 124th Street interchange, at which point it turns to the east and proceeds to the west side of Sammamish Valley, at which point it turns north, following the west side of Sammamish Valley until it reaches the junction at Woodinville. The southern of the two segments extends from milepost 5.00, in the community of Kennydale, to milepost 10.60, just north of the I-405/I-90 interchange. The northern of the two segments begins at milepost 11.25, near the community of Wilburton, and extends to milepost 23.9 at Woodinville. The segments include six historic period bridges/and or trestles, ranging in date of construction from 1904 to 1960.

MP 6.1 Bridge over May Creek

The bridge over May Creek at Scopa was constructed in 1960 to replace the previous bridge, also a 4-span pile structure. The present bridge is a 15-foot-high, 4-span, open pile trestle structure with an overall length of 60 feet, carrying a single track. There are three structural bent supports, each consisting of five creosoted timber post piles. Two groupings of three timber girders extend across trestle bents. Metal flashing is used beneath the rail ties. Broken-off timber posts of the previous bridge are present beneath the current structure. The bridge has a planked pedestrian crossing with a steel cable railing supported by steel flange posts along its east side.

MP 9.1 Bridge over Coal Creek

The bridge over Coal Creek at Mile Post 9.1 is located east of the Newport Shores residential community. The structure was constructed in 1950, replacing a previous bridge at that location. It is a 38-foot-high, 9-span, open deck pile trestle structure with an overall length of 133 feet, carrying a single track. The structural bents are composed of four rounded timber posts and timber bracing members. A planked pedestrian crossing with a steel cable guard rail is located along the east side of the bridge. The area is heavily treed and next to a residential area developed in the late 1950s and 1960s.

MP 9.2 Bridge over Lake Washington Boulevard

The bridge over Lake Washington Boulevard is located east of the Newport Shores residential community. It was constructed in 1916 and consists of a single-span, 43-foot-long steel deck plate girder structure supported by two poured-concrete skewed abutments with adjacent basalt rock retaining walls. The deck is open with a single track. A metal label on the bridge's west elevation was unreadable. On the west elevation of the bridge, "Northern Pacific" is still visible, painted in large block lettering, although it is very worn, and only barely readable. The bridge is located immediately to the east of Newport Shores, a residential development established in the late 1950s on the site of a former air landing strip.

MP 11.5 Wilburton Crossing over Mercer Slough (Listed in NRHP)

The bridge over Mercer Slough, also known as the Wilburton Trestle, is a wood pile trestle bridge measuring 977 feet long with 32 spans, 34 bents, and a maximum height of 102 feet. The bridge was originally constructed in 1904, and its framing has been replaced four times over its lifespan (1913, 1924, 1933, and 1944). In 1972, when SE 8th Street (which passes beneath the trestle) was widened, a steel plate girder span was installed, supported by full-height concrete buttresses.

MP 17.1 Bridge over Kirkland Way

The bridge over Kirkland Way is located in eastern Kirkland, southwest of the I-405/Central Way interchange. Constructed in 1927, the structure measures 43 feet in overall length and 17 feet in height with a 39-foot-long single deck, plate girder span. The girders appear to have been covered in a concrete spray. The plate girder span rests on concrete abutments, the southern of which carries the Northern Pacific logo painted on the west elevation. The bridge carries a single track on a graveled bed, and railings composed of metal flange posts and pipe rails line both sides. The surrounding area is primarily residential with some industrial buildings along the railroad including a warehouse and former canning factory to the south.

MR 23.9 Bridge over Sammamish River

The bridge over the Sammamish River is located in Woodinville, to the south of NE 175th Street. Constructed in 1914, the structure is 159 feet in overall length with a central 70-foot-long through plate girder span with ballast covered pile trestles at each end. The bridge has four open pile trestle spans at the east end and three open pile trestle spans at the west end. Modifications to the bridge include opening the east end for a pedestrian trail, and reinforcement of the central piles with steel framing members to bear the load of the through plate girder span.

The subject segments of the Northern Pacific line from Renton to Woodinville Junction are recommended to be eligible for listing in the NRHP under Criterion A through their association with the development of railroads in the State of Washington and in the Puget Sound region. Additionally, this line is associated with the development of heavy industry in the eastern Puget Sound region, as it was primarily constructed to deliver coal to the developing steel plants in the area. The two segments include six bridges, one of which is already listed in the NRHP. The remaining five bridges are recommended as contributing elements to the overall NRHP-eligibility of the railroad.

The railroad bridges and trestles are the most sustaining and substantial structures besides the alignments, grades and tracks. The structures are obvious expressions of the

engineering challenges faced by the pioneering construction engineers and workers. As such, they are important contributing features to the significance of the railroad.

The type of bridge employed at a given location depended on the lay of the land, soil composition, climate, load capacities, material availability and time constraints. Many of the railroad bridges in the Pacific Northwest, because of the ready availability of timber, were constructed of wood, most commonly timber trestles in the late nineteenth and twentieth centuries and as late as the 1930s (Soderberg 1980:12). The Wilburton Trestle, located at milepost 11.5 spanning Mercer Slough, has been singled out as one the most outstanding examples of a timber trestle in the state of Washington due in part to its rarity because of the declining numbers (Soderberg 1980:10). Other timber trestles on this railroad line are diminutive in comparison to the Wilburton Trestle. The timber trestle bridges are typically of more recent construction due to the relatively short lifespan of wooden framing members. Bridges composed of timbers were regularly rebuilt and decaying timbers replaced. This occurred more frequently in the earliest years, when untreated timbers with a life expectancy of 10 to 15 years were used (Soderberg 1980:11).

The bridges not constructed of timber, were commonly constructed of steel. Common types of steel structures included steel trusses and riveted steel plate types. The riveted steel plate girder type bridges were found at several locations within the subject railroad segments. The steel plate members and other components were typically prefabricated and transported by railcar, but by this time could also be constructed onsite due to the advances in riveting technology which allowed for onsite fabrication.

The two subject segments the Northern Pacific (now BNSF) railroad were built in 1891 as a spur line connecting the Kirkland and Bellevue areas with a major Northern Pacific line at Renton. During the early years of operation, this line was primarily used to transport coal and iron from mines located in the hills to the east of the Puget Sound to developing industrial plants, especially the steel mill at Kirkland, established by Peter Kirk (Stewart 1978).

As the Puget Sound economy expanded branches of the railroad webbed out from the commercial centers of Puget Sound extending to developing markets and emerging areas of natural resources. The eastern shore of Lake Washington was home to milling operations of lumber, and coal tar products. Industrialists such as William Renton and Peter Kirk platted cities along Lake Washington's shoreline and engaged with railroad companies to bring spur lines to the plants they built. Northern Pacific's Lake Washington Beltline railroad was graded by 1891 from Kirkland to Renton (Grant 1891:314-315).

Seattle, Lake Shore & Eastern Railway (MP 1.86 to MP 7.30)

This segment of the BNSF railroad extends from a previously abandoned segment at milepost 7.30 (southeast of Redmond, Washington), across the Sammamish River, and along the western side of the Sammamish Valley, north to where the railroad crosses Washington State Highway 202 (milepost 1.86). The railroad remains intact north of milepost 1.86, at least as far as Woodinville Junction, but BNSF has limited the current abandonment work to the above-defined segment (MP 1.86 to MP 7.30). The railroad is carried over the Sammamish River on an open pile trestle bridge at milepost 6.2, considered to be a contributing feature to this NRHP-eligible railroad segment. This segment is a single-track railroad on a raised gravel berm.

MP 6.2 Bridge over Sammamish River

At the crossing of the Sammamish River (MP 6.2), the railroad is carried on a 220-foot-long, 5-span, open pile trestle bridge with a central 70-foot-long steel deck plate girder span. This bridge, built in 1922, crosses the river at an overall height of 32 feet above the surface of the Sammamish River. The trestle bridge is supported at both ends by wooden embankments set into the built-up berm. The bridge has a planked pedestrian walkway on the south side, extending alongside the tracks, with flange metal posts strung with steel cable. The bridge appears to have been burned, and has some superficial burn damage on the east side of the river. This railroad segment has not carried rail traffic for some time, though the rails and ties remain in place.

The railroad segment is a part of the 63.3-mile long rail line constructed in 1887-1888 by the Seattle, Lake Shore & Eastern Railway Company. The line extended from Seattle, north of Lake Washington to Woodinville, then southeast through Redmond and Fall City. This railroad segment is recommended to be eligible for listing in the NRHP under Criterion A for its role in the development of railroads in the Pacific Northwest; the State of Washington, and the Puget Sound area. The Seattle, Lake Shore & Eastern Railway also played a significant part in the development of Seattle as a major Pacific Northwest railroad hub, in competition with the Tacoma terminus of the Northern Pacific Railroad Company. Although the railroad was eventually purchased by the Northern Pacific, the Seattle, Lake Shore & Eastern Railway was organized and created by local Seattle interests, and played a major part in the development of Seattle as a rival to, and eventually dominant neighbor of Tacoma.

The Seattle, Lake Shore & Eastern Railway Company was incorporated in April 1885. Organized by Seattle businessmen Thomas Burke and Daniel Gilman, and supported by other local Seattle businessmen and citizens, the formation of the railroad was driven by an effort to create a direct rail link with eastern Washington and beyond (Armbruster 1999:122). Originally intended to extend east from Seattle, through Snoqualmie Pass, to Spokane, the company filed supplementary articles of incorporation in 1886, declaring its intention to extend its route to Deadwood, Dakota Territory (now in South Dakota) (Cheever 1948:169-170). Although these plans would never be fully implemented, the company began construction of its line between Seattle and Sallal Prairie in 1887.

The line went into service between Seattle and Fall City in May 1888, and by December 1889, the line was extended from Fall City to Sallal Prairie. Already, however, the Seattle, Lake Shore & Eastern was operating at a loss due to high maintenance costs. In addition, difficulties with the associated construction branch of the corporation led to the filing of a motion to place the line into receivership after the construction company was found to be in default of bonds it had issued to cover the expenses of construction in the Spokane area. Although the suit was eventually thrown out, the power behind the motion, the Northern Pacific Railroad Company (which had since the outset been opposed to the development of the Seattle, Lake Shore & Eastern), continued its efforts to eliminate the Seattle, Lake Shore and Eastern as a competitor, buying up stock in the company in a behind-the-scenes effort to gain control of it if it couldn't kill it entirely (Armbruster 1999:135-136).

By 1890, the Seattle, Lake Shore & Eastern Railway operated 156 miles of track, extending to the Canadian border at Sumas. The following year, with financial tensions mounting, large blocks of shareholders began selling their holdings in the Seattle, Lake Shore & Eastern Railway to the Northern Pacific. In July, 1891, the Seattle, Lake Shore & Eastern Railway became an operating subsidiary of the Northern Pacific Railroad Company. In 1893, the Seattle, Lake Shore & Eastern Railway became a victim of the Great Panic of 1893, a nationwide market reaction to overspeculation in companies that had to that point failed to

show profit (Armbruster 1999:137-138). That year, the Seattle, Lake Shore & Eastern Railway was placed in receivership, and in 1896 was sold as a foreclosure. The company's holdings were sold to two companies. Trackage in eastern Washington was sold to the Spokane & Seattle Railway, while the trackage in western Washington (including the subject segments) was sold to the newly formed Seattle & International Railway Company (Robertson 1995:265-267).

The Seattle and International Railway Company was incorporated in 1896 by interests associated with the Northern Pacific Railway Company for the purpose of acquiring the western Washington holdings of the Seattle, Lake Shore & Eastern Railway Company, including all of its 166 miles of track. Between 1898 and 1903, the Northern Pacific expanded as the Pacific Northwest, and especially the Seattle area boomed after the discovery of gold in Alaska. As a part of this flurry of purchases, the Northern Pacific Railway Company formally purchased the Seattle and International Railway in 1901 (Cheever 1948:171; Armbruster 1999:158).

The Northern Pacific Railroad Company, incorporated in 1864, was sold under foreclosure to the Northern Pacific Railway Company in 1896, incorporated that year under Henry Villard for that purpose (Robertson 1991:332). The Northern Pacific Railway Company operated and maintained the line from 1901 until 1970, when the Northern Pacific Railway Company merged with several other railroads to form the Burlington Northern Railroad. During that time (in 1922), the bridge located at milepost 6.2 was built, replacing an earlier bridge at that location built by the Seattle, Lake Shore & Eastern Railway Company. In 1995, the Atchison Topeka & Santa Fe Railroad merged with the Burlington Northern to form the Burlington Northern & Santa Fe Railroad Company (BNSF 2007).

CONCLUSIONS AND RECOMMENDATIONS

AINW recommends that both of the subject railroads are eligible for listing in the NRHP, and that the bridges are considered to be contributing features to the eligible railroads. In addition, the rails, ties, switches, berms, and alignments are also considered to be contributing features. Removal or alteration of any of these features should be coordinated in consultation with the SHPO, which may view removal or alteration as adverse effects to the overall eligible resource. In the event that this is found to be the case, mitigation of these adverse effects should be negotiated with the SHPO. Mitigation measures may include photodocumentation, HABS/HAER level documentation, or installation of interpretive signage along the path, should one be constructed along the former railroad alignment. Contributing features which may not need to be removed, including bridges (to be left in place under the current project plan) should be preserved to help in maintaining the historical railroad associations.

REFERENCES CITED

Armbruster, Kurt E.

1999 *Orphan Road: The Railroad Comes to Seattle, 1853-1911*. Washington State University Press, Pullman, Washington.

BNSF

2007 *History*. Electronic Document. Available, <http://www.bnst.com/aboutbnsf/history/bn.html>, access July 13, 2007.

Cheever, Bruce Bissell

1948 *The Development of Railroads in the State of Washington 1860 to 1948*. Master's thesis, University of Washington, Seattle.

Grant, Frederic James, editor

1891 *History of Seattle, Washington*. Northwestern Printing, Lithography, and Stationery, Ltd., Seattle, Washington.

Robertson, Donald B.

1991 *Encyclopedia of Western Railroad History, Volume II The Mountain States*. The Caxton Printers, Ltd. Caldwell, Idaho.

1995 *Encyclopedia of Western Railroad History, Volume III Oregon Washington*. The Caxton Printers, Ltd. Caldwell, Idaho.

Soderberg, Lisa

1980 *Historic Bridges and Tunnels in Washington State*. Washington State Department of Archaeology and Historic Preservation, Olympia.

Stewart, John

1978 *King County Historic Sites Survey Inventory Sheet for Wilberton Railroad Trestle*. On file, Department of Archaeology and Historic Preservation, Olympia, Washington.

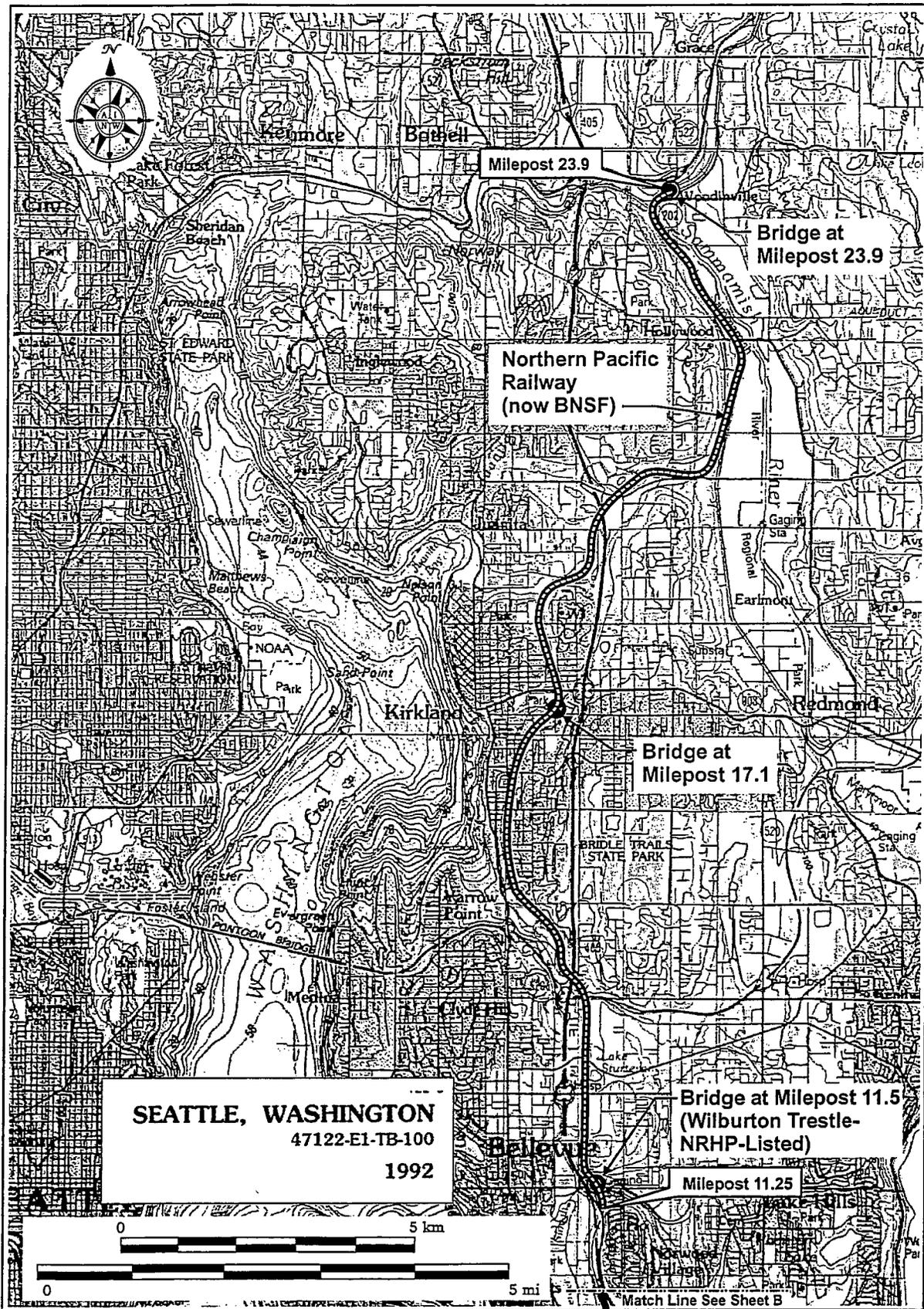


Figure 1. Northern Pacific Railway location (now BNSF), Sheet A.

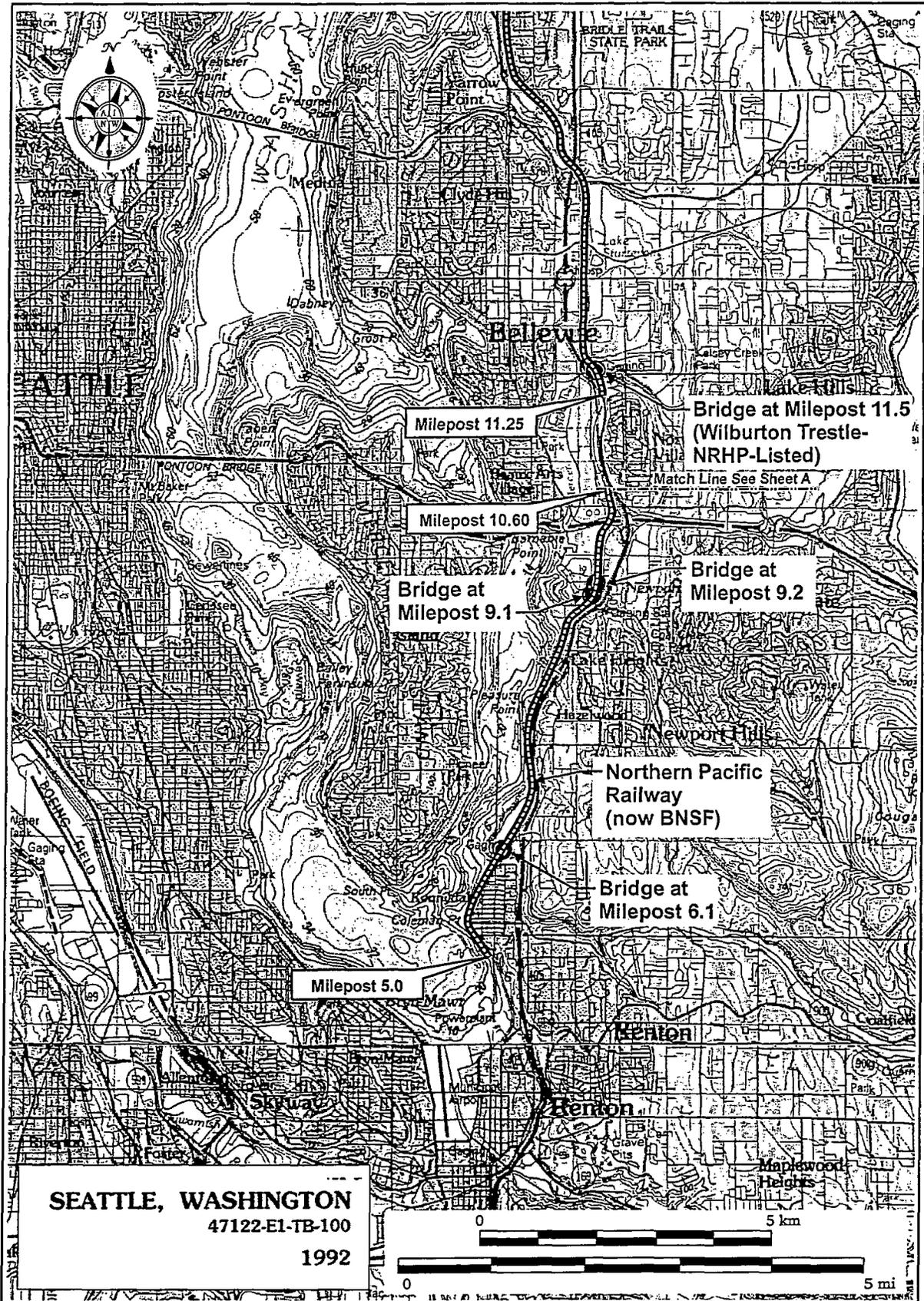


Figure 2. Northern Pacific Railway location (now BNSF), Sheet B.

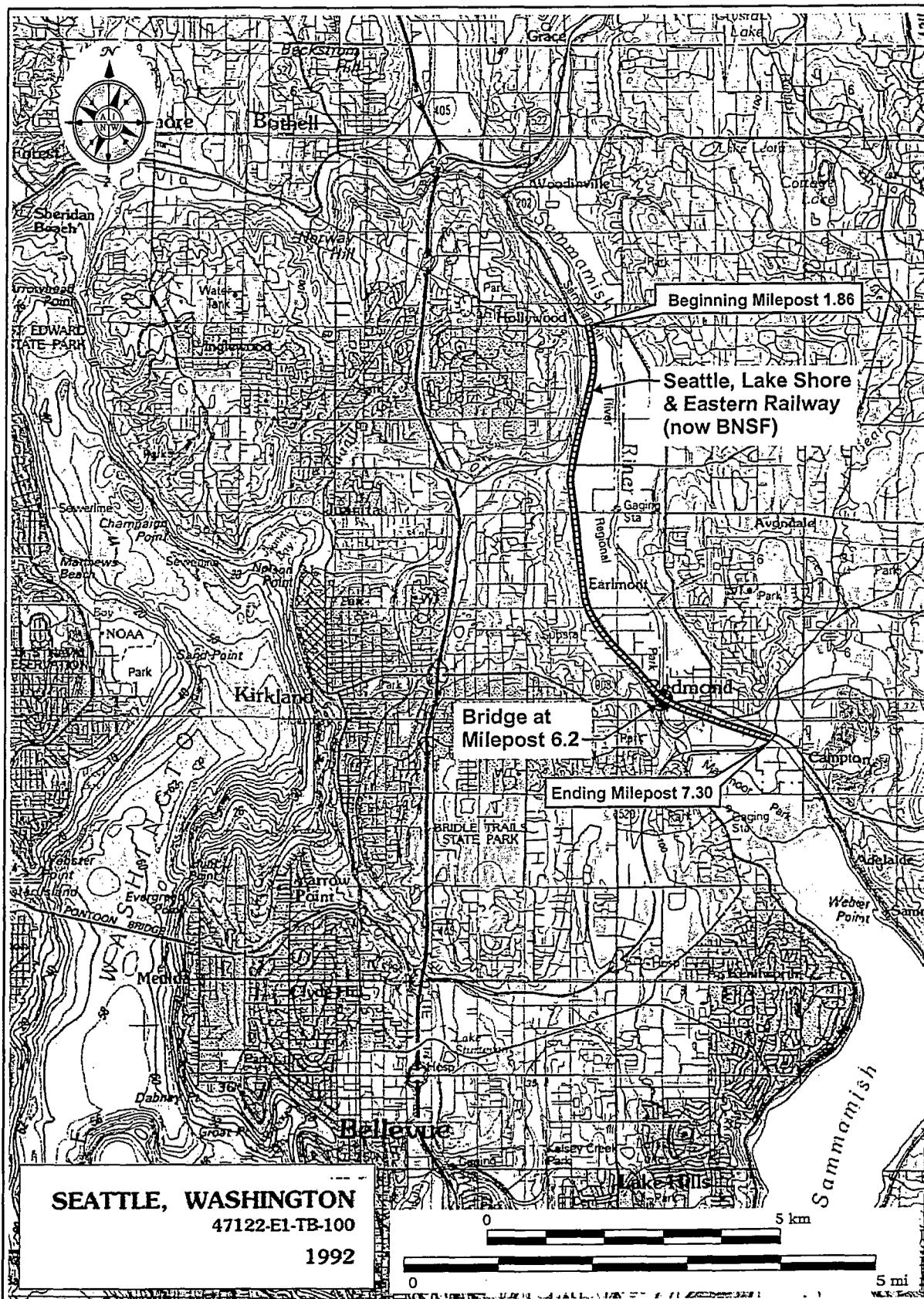


Figure 3. Seattle, Lake Shore & Eastern Railway (now BNSF) location.

HISTORIC PROPERTY INVENTORY REPORTS

Historic Property Inventory Report for Northern Pacific Railway Lake Washington Beltline at vicinity of Bellevue, WA

LOCATION SECTION

Field Site No. 07/1480-1

OAHP No.

Historic Name: Northern Pacific Railway Lake Washington Beltline

Common Name: BNSF

Property Address: vicinity of Bellevue, WA

Comments:

| County | Township/Range/EW | Section | 1/4 Sec | 1/4 1/4 Sec | Quadrangle | UTM Reference | Acquisition Code: |
|--------|-------------------|-----------|-----------|-------------|----------------------|--|--------------------------|
| King | <u>T24R05E</u> | <u>32</u> | <u>NW</u> | | <u>MERCER ISLAND</u> | Zone: <u>10</u> Spatial Type: <u>Point</u> | <u>Unknown</u> |
| | <u>T24R05E</u> | <u>31</u> | <u>SE</u> | | <u>KIRKLAND</u> | Sequence: <u>1</u> Easting: <u>559680</u> | Northing: <u>5262680</u> |
| | <u>T24R05E</u> | <u>31</u> | <u>NE</u> | | | Sequence: <u>2</u> Easting: <u>562220</u> | Northing: <u>5270420</u> |
| | <u>T24R05E</u> | <u>29</u> | <u>SW</u> | | | Sequence: <u>3</u> Easting: <u>561700</u> | Northing: <u>5272140</u> |
| | <u>T24R05E</u> | <u>29</u> | <u>SE</u> | | | Sequence: <u>4</u> Easting: <u>562360</u> | Northing: <u>5289260</u> |
| | <u>T24R05E</u> | <u>29</u> | <u>NE</u> | | | | |
| | <u>T24R05E</u> | <u>29</u> | <u>NW</u> | | | | |
| | <u>T24R05E</u> | <u>20</u> | <u>SW</u> | | | | |
| | <u>T24R05E</u> | <u>20</u> | <u>SE</u> | | | | |
| | <u>T24R05E</u> | <u>20</u> | <u>NE</u> | | | | |
| | <u>T24R05E</u> | <u>17</u> | <u>SE</u> | | | | |
| | <u>T24R05E</u> | <u>16</u> | <u>SW</u> | | | | |
| | <u>T24R05E</u> | <u>16</u> | <u>NW</u> | | | | |
| | <u>T24R05E</u> | <u>9</u> | <u>SW</u> | | | | |
| | <u>T24R05E</u> | <u>9</u> | <u>NW</u> | | | | |
| | <u>T24R05E</u> | <u>4</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>33</u> | <u>SW</u> | | | | |
| | <u>T25R05E</u> | <u>33</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>28</u> | <u>SW</u> | | | | |
| | <u>T25R05E</u> | <u>28</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>21</u> | <u>SW</u> | | | | |
| | <u>T25R05E</u> | <u>20</u> | <u>SE</u> | | | | |
| | <u>T25R05E</u> | <u>20</u> | <u>NE</u> | | | | |
| | <u>T25R05E</u> | <u>20</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>17</u> | <u>SW</u> | | | | |
| | <u>T25R05E</u> | <u>17</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>8</u> | <u>SW</u> | | | | |
| | <u>T25R05E</u> | <u>8</u> | <u>NW</u> | | | | |
| | <u>T25R05E</u> | <u>8</u> | <u>NE</u> | | | | |
| | <u>T25R05E</u> | <u>5</u> | <u>SE</u> | | | | |
| | <u>T25R05E</u> | <u>5</u> | <u>NE</u> | | | | |

Historic Property Northern Pacific Railway Lake Washington Beltline at vicinity of Bellevue, WA
Inventory Report for

| | | |
|----------------|-----------|-----------|
| <u>T26R05E</u> | <u>32</u> | <u>SE</u> |
| <u>T26R05E</u> | <u>32</u> | <u>NE</u> |
| <u>T26R05E</u> | <u>33</u> | <u>NW</u> |
| <u>T26R05E</u> | <u>28</u> | <u>SW</u> |
| <u>T26R05E</u> | <u>28</u> | <u>SE</u> |
| <u>T26R05E</u> | <u>28</u> | <u>NE</u> |
| <u>T26R05E</u> | <u>27</u> | <u>SW</u> |
| <u>T26R05E</u> | <u>27</u> | <u>NW</u> |
| <u>T26R05E</u> | <u>22</u> | <u>SE</u> |
| <u>T26R05E</u> | <u>22</u> | <u>NE</u> |
| <u>T26R05E</u> | <u>22</u> | <u>NW</u> |
| <u>T26R05E</u> | <u>15</u> | <u>SW</u> |
| <u>T26R05E</u> | <u>15</u> | <u>NW</u> |
| <u>T26R05E</u> | <u>16</u> | <u>NE</u> |
| <u>T26R05E</u> | <u>9</u> | <u>SE</u> |
| <u>T26R05E</u> | <u>9</u> | <u>NE</u> |

Tax No./Parcel No.

Plat/Block/Lot

Supplemental Map(s)

Acreage

Historic Property Inventory Report for Northern Pacific Railway Lake Washington Beltline at vicinity of Bellevue, WA

IDENTIFICATION SECTION

Survey Name: BNSF King County Abandonment

Field Recorder: Jason Allen and Elizabeth O'Brien

Date Recorded: 7/10/2007

Owner's Name:

Owner Address:

City/State/Zip:

BNSF

2650 Lou Menk Drive

Fort Worth, Texas 76131-2830

Classification: Structure

Resource Status

Comments

Within a District? No

Survey/Inventory

Contributing?

National Register Nomination:

Local District:

National Register District/Thematic Nomination Name:



DESCRIPTION SECTION

Historic Use: Transportation - Rail-Related

Current Use: Transportation - Rail-Related

Plan:

No. of Stories:

Structural System:

Changes to plan: Intact

Changes to interior:

Style

Form/Type

Changes to original cladding:

Changes to other:

Changes to windows:

Other (specify):

Cladding

Foundation

Roof Material

Roof Type

Post & Pier

View of Wilburton Trestle (MP 11.5)

taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5822.JPG

Comments: The view is to the northwest.

NARRATIVE SECTION

Study Unit

Other

Manufacturing/Industry

Transportation

Date Of Construction: 1891

Architect: Northern Pacific Railway Company

Builder: Northern Pacific Railway Company

Engineer: Northern Pacific Railway Company

Property appears to meet criteria for the National Register of Historic Places: Yes

Historic Property Inventory Report for Northern Pacific Railway Lake Washington Beltline at vicinity of Bellevue, WA

Property is located in a potential historic district (National and/or local): Yes - Local

Property potentially contributes to a historic district (National and/or local): Yes

Statement of Significance

The subject segments of the Northern Pacific line from Renton to Woodinville Junction are recommended to be eligible for listing in the National Register of Historic Places (NRHP) under Criterion A through their association with the development of railroads in the State of Washington and in the Puget Sound region. Additionally, this line is associated with the development of heavy industry in the eastern Puget Sound region, as it was primarily constructed to deliver coal to the developing steel plants in the area. The two segments include six bridges, all of which are recommended as contributing elements to the overall NRHP-eligibility of the railroad.

The railroad bridges and trestles are the most sustaining and substantial structures besides the alignments, grades and tracks. The structures are obvious expressions of the engineering challenges faced by the pioneering construction engineers and workers. As such, they are important contributing features to the significance of the railroad.

The type of bridge employed at a given location depended on the lay of the land, soil composition, climate, load capacities, material availability and time constraints. Many of the railroad bridges in the Pacific Northwest, because of the ready availability of timber, were constructed of wood, most commonly timber trestles in the late nineteenth and twentieth centuries and as late as the 1930s (Soderberg 1980:12). The Wilburton Trestle, located at milepost 11.5 spanning Mercer Slough, has been singled out as one the most outstanding examples of a timber trestle in the state of Washington due in part to its rarity because of the declining numbers (Soderberg 1980:10). There are timber trestles on the railroad line which were constructed within the historic period, most of these are diminutive in comparison to the Wilburton Trestle. Because of the material employed, the timber trestle bridges are more typically of more recent construction due to the relatively short lifespan of the wooden framing members. The bridges composed of timbers were regularly rebuilt and the timbers were replaced, more frequently in the earliest years, when untreated timbers, with a life expectancy of 10 to 15 years, were used (Soderberg 1980:11).

The bridges not constructed of timber, were commonly constructed of steel. Commonly types of steel structures included steel trusses and riveted steel plate types. The riveted steel plate girder type bridges were found at several locations within the subject railroad segments. The steel plate members and other components were typically prefabricated and transported by railcar, but by this time could also be constructed onsite due to the advances in riveting technology which allowed for onsite fabrication.

The two subject segments the Northern Pacific (now BNSF) railroad were built in 1891 as a spur line connecting the Kirkland and Bellevue areas with a major Northern Pacific line at Renton. During the early years of operation, this line was primarily used to transport coal and iron from mines located in the hills to the east of the Puget Sound to developing industrial plants, especially the steel mill at Kirkland, established by Peter Kirk (Stewart 1978).

As the Puget Sound economy expanded branches of the railroad webbed out from the commercial centers of Puget Sound extending to developing markets and emerging areas of natural resources. The eastern shore of Lake Washington was home to milling operations of lumber, and coal tar products. Industrialists such as William Renton and Peter Kirk platted cities along Lake Washington's shoreline and engaged with railroad companies to bring spur lines to the plants they built. Northern Pacific's Lake Washington beltline railroad was graded by 1891 from Kirkland to Renton (Grant 1891:314-315).

Description of Physical Appearance

The subject railroad consists of two segments, both of which are parts of Northern Pacific Railroad Company's Lake Washington Beltline that extends from a junction near Renton, Washington northward to a junction at Woodinville, Washington. Within that alignment there are two segments proposed for abandonment by the current owner BNSF. The railroad is a single-track railroad on a built-up rock berm that extends north along the approximate route of I-405, generally staying within approximately 0.75 mile of that highway, until it reaches the I-405/NE 124th Street interchange, at which point it turns to the east and proceeds to the west side of Sammamish Valley, at which point it turns north, following the west side of Sammamish Valley until it reaches the junction at Woodinville. The southern of the two segments extend from milepost 5.00, in the community of Kennydale, to milepost 10.60, just north of the I-405/I-90 interchange. The northern of the two segments begins at milepost 11.25, near the community of Wilburton, and extends to milepost 23.9 at Woodinville. The segments include six historic-period bridges and/or trestles, ranging in date of construction from 1904 to 1960. Each is documented below.

Southern Segment (MP 5.00 to MP 10.60)

MP 6.1 Bridge over May Creek

The bridge over May Creek at Scopa was constructed in 1960 to replace the previous bridge, also a 4-span pile structure. The present bridge is a 15-foot-high, 4-span, open pile trestle structure with an overall length of 60 feet, carrying a single track. There are three structural bent supports, each consisting of five creosoted timber post piles. Two groupings of three timber girders extend across trestle bents. Metal flashing is used beneath the rail ties. Broken-off timber posts of the previous bridge are present beneath the current structure. The bridge has a planked pedestrian crossing with a steel cable railing supported by steel flange posts along its east side.

Historic Property Northern Pacific Railway Lake Washington Beltline at vicinity of Bellevue, WA
Inventory Report for

MP 9.1 Bridge over Coal Creek

The bridge over Coal Creek at Mile Post 9.1 is located east of the Newport Shores residential community. The structure was constructed in 1950, replacing a previous bridge at that location. It is a 38-foot-high, 9-span, open deck pile trestle structure with an overall length of 133 feet, carrying a single track. The structural bents are composed of four rounded timber posts and timber bracing members. A planked pedestrian crossing with a steel cable guard rail is located along the east side of the bridge. The area is heavily treed and next to a residential area developed in the late 1950s and 1960s.

MP 9.2 Bridge over Lake Washington Boulevard

The bridge over Lake Washington Boulevard is located east of the Newport Shores residential community. It was constructed in 1916 and consists of a single-span, 43-foot-long steel deck plate girder structure supported by two poured-concrete skewed abutments with adjacent basalt rock retaining walls. The deck is open with a single track. A metal label on the bridge's west elevation was unreadable. On the west elevation of the bridge, "Northern Pacific" is still visible, painted in large block lettering, although it is very worn, and only barely readable. The bridge is located immediately to the east of Newport Shores, a residential development established in the late 1950s and 1960s on the site of a former air landing strip.

Northern Segment (MP 11.25 to MP 23.9)

MP 11.5 Wilburton Crossing over Mercer Slough (Listed in NRHP)

The bridge over Mercer Slough, also known as the Wilburton Trestle, is a wood pile trestle bridge measuring 977 feet long with 32 spans, 34 bents, and a maximum height of 102 feet. The bridge was originally constructed in 1904, and its framing has been replaced four times over its lifespan (1913, 1924, 1933, and 1944). In 1972, when SE 8th Street (which passes beneath the trestle) was widened, a steel plate girder span was installed, supported by full-height concrete buttresses.

MP 17.1 Bridge over Kirkland Way

The bridge over Kirkland Way is located in eastern Kirkland, southwest of the I-405/Central Way interchange. Constructed in 1927, the structure measures 43 feet in overall length and 17 feet in height with a 39-foot-long single deck, plate girder span. The girders appear to have been covered in a concrete spray. The plate girder span rests on concrete abutments, the southern of which carries the Northern Pacific logo painted on the west elevation. The bridge carries a single track on a graveled bed, and railings composed of metal flange posts and pipe rails line both sides. The surrounding area is primarily residential with some industrial buildings along the railroad including a warehouse and former canning factory to the south.

MR 23.9 Bridge over Sammamish River

The bridge over the Sammamish River is located in Woodinville, to the south of NE 175th Street. Constructed in 1914, the structure is 159 feet in overall length with a central 70-foot-long through plate girder span with ballast covered pile trestles at each end. The bridge has four open pile trestle spans at the east end and three open pile trestle spans at the west end. Modifications to the bridge include opening the east end for a pedestrian trail, and reinforcement of the central piles with steel framing members to bear the load of the through plate girder span.

**Major
Bibliographic
References**

Avery, Mary W.

1965 *Washington: A History of the Evergreen State*. University of Washington Press, Seattle and London.

Brokenshire, Doug

1993 *Washington: State Place Names from Alki to Yelm*. Caxton Printers, Caldwell, Idaho.

Grant, Frederic James, Editor

1891 *History of Seattle, Washington*. Northwestern Printing, Lithography, and Stationery, Ltd., Seattle, Washington

Jones, Jeanne Lang

2006 *Conner Homes busy Barbee Mill site luxury duplexes*. Puget Sound Business Journal. Internet document. Available, <http://seattle.bizjournals.com/seattle/stories/2006/06/26/story4.html>, accessed

Soderberg, Lisa

1980 *Historic Bridges and Tunnels in Washington State*. Washington State Department of Archaeology and Historic Preservation, Olympia.

Stewart, John H.

1978 *King County Historic Sites Survey Inventory Sheet for Wilburton Railroad Trestle*. On file, Department of Archaeology and Historic Preservation, Olympia, Washington.

Additional Photos for: Northern Pacific Railway Lake Washington
Bellline

at vicinity of Bellevue, WA



View of south end of southern segment (MP 5.0), taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG_5789.JPG

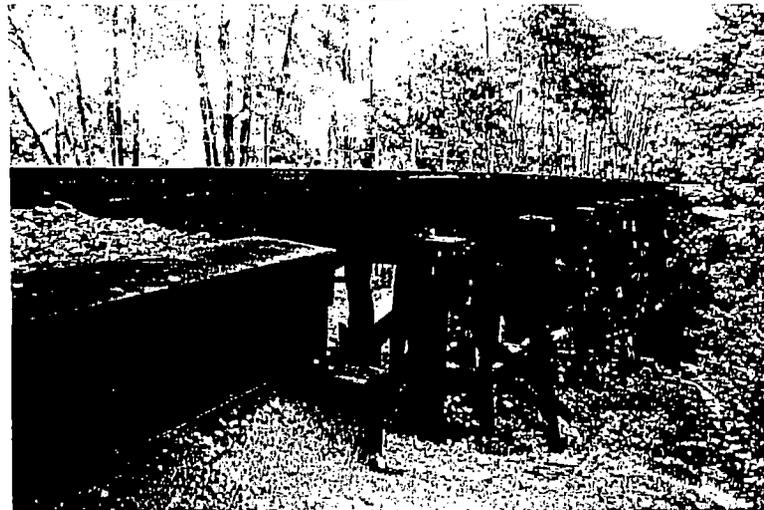
Comments: The view is to the northwest.



View of bridge at MP 6.1, taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG_5792.JPG

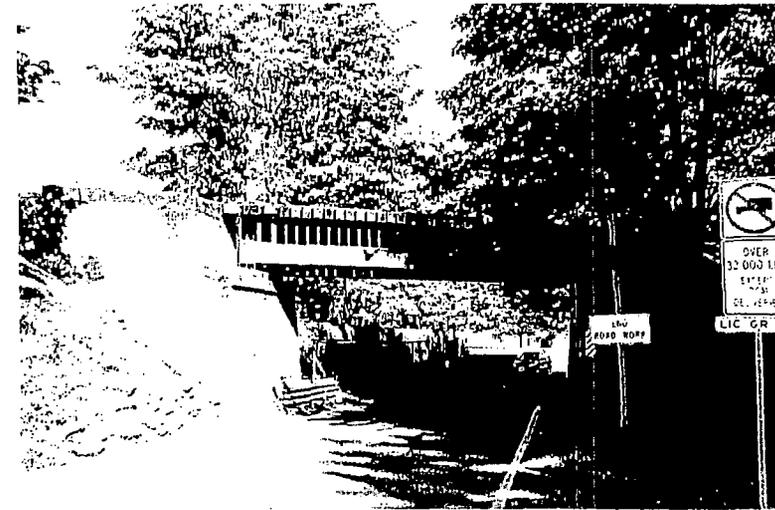
Comments: The view is to the south.



View of bridge at MP 9.1, taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG_5811.JPG

Comments: The view is to the south.



View of bridge at MP 9.2, taken 9/8/2005

Photography Neg. No (Roll No./Frame No.): IMG_5806.JPG

Comments: The view is to the west.

Additional Photos for: Northern Pacific Railway Lake Washington Beltline

at Northern Pacific Railway Lake Washington Beltline



View of north end of southern segment (MP 10.60), taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5920.JPG

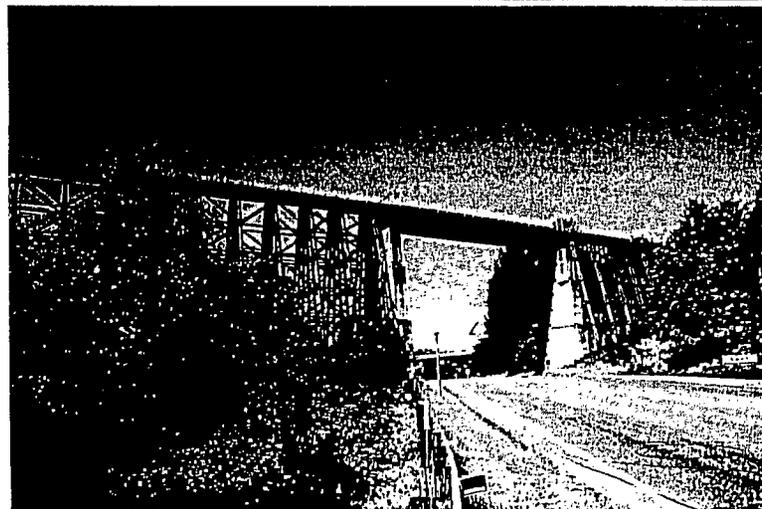
Comments: The view is to the south.



View of south end of Wilburton Trestle, also the south end of northern segment (MP 11.25), taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5823.JPG

Comments: The view is to the southwest.



View of north end of Wilburton Trestle (MP 11.5), taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5827.JPG

Comments: The view is to the west.



View of bridge at MP 17.1, taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5832.JPG

Comments: The view is to the west.

Additional Photos for: Northern Pacific Railway Lake Washington Beltline

at Northern Pacific Railway Lake Washington Beltline



View of bridge at MP 23.9, also the north end of northern segment. taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG 5875.JPG

Comments: The view is to the southeast.

View of

taken

Photography Neg. No (Roll No./Frame No.):

Comments:

View of

taken

Photography Neg. No (Roll No./Frame No.):

Comments:

View of

taken

Photography Neg. No (Roll No./Frame No.):

Comments:

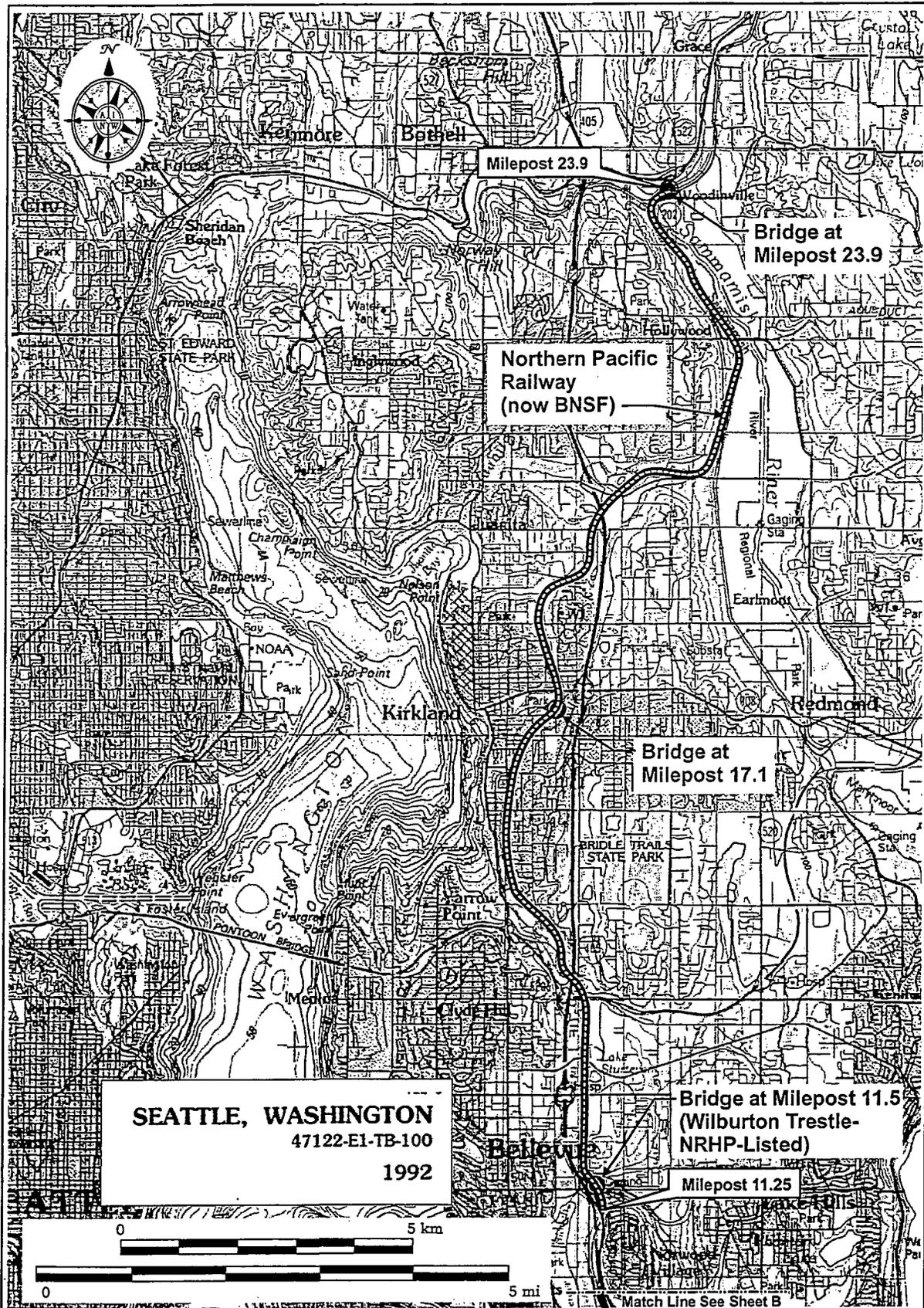


Figure 1. Northern Pacific Railway location (now BNSF), Sheet A.

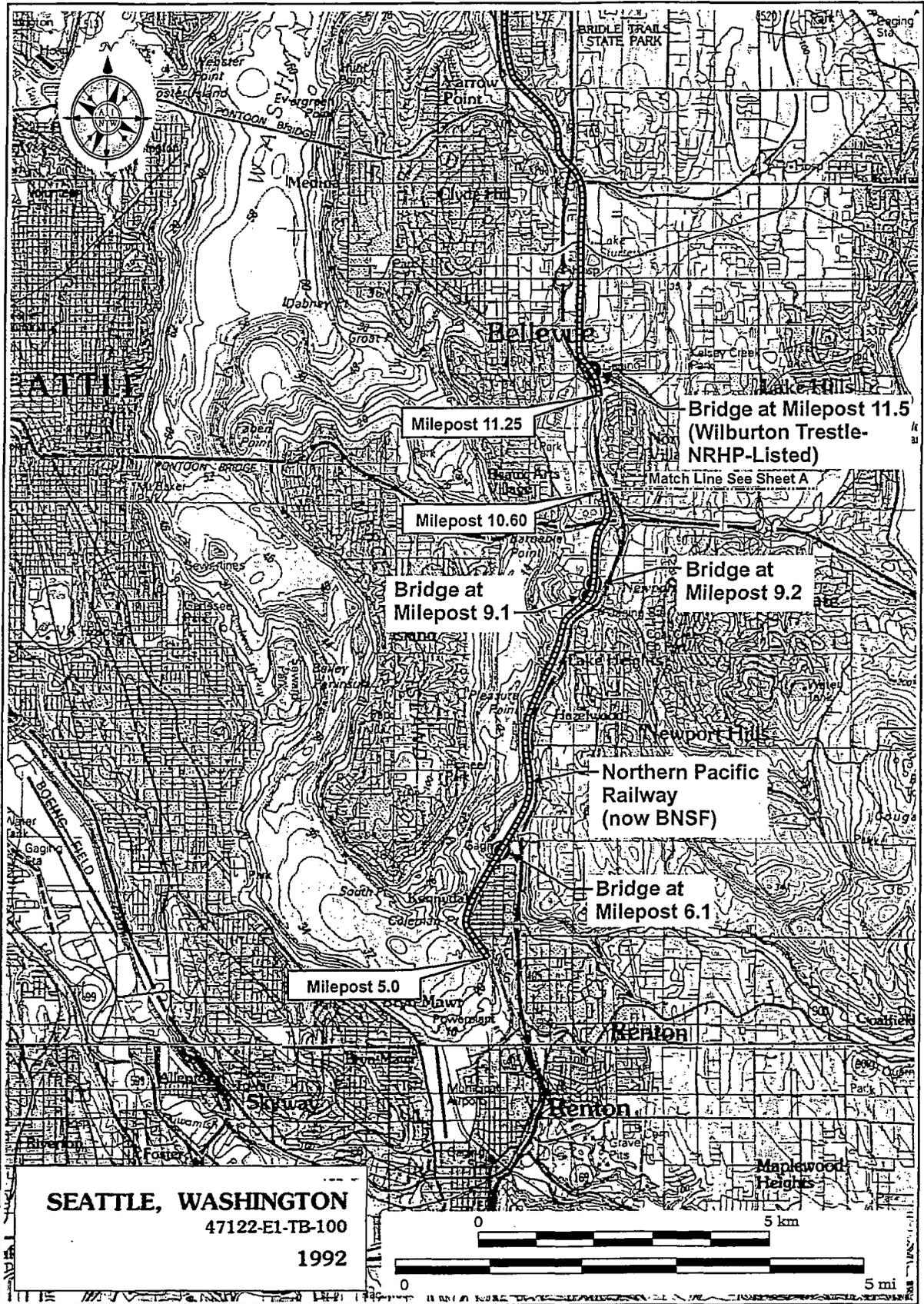


Figure 2. Northern Pacific Railway location (now BNSF), Sheet B.

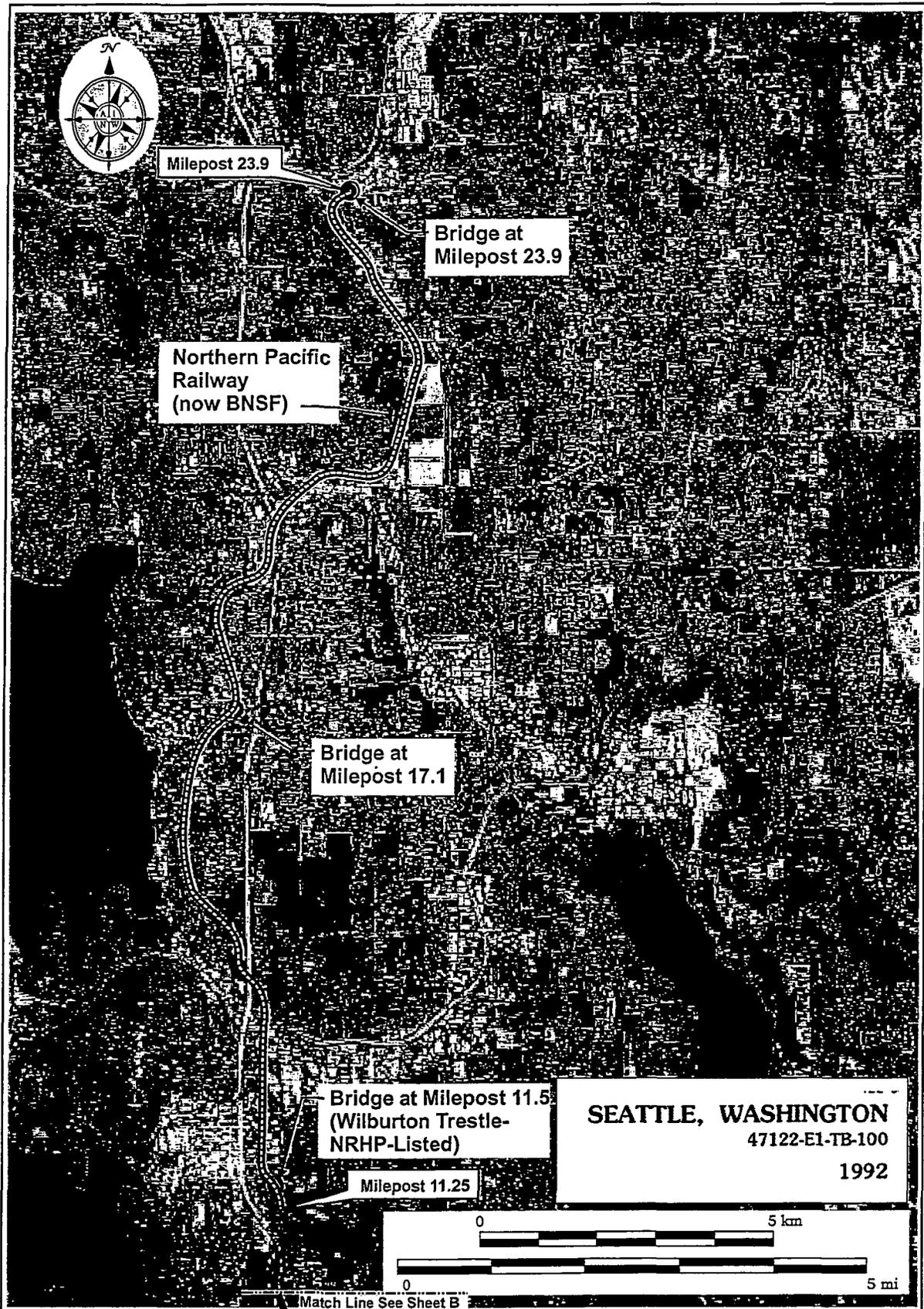
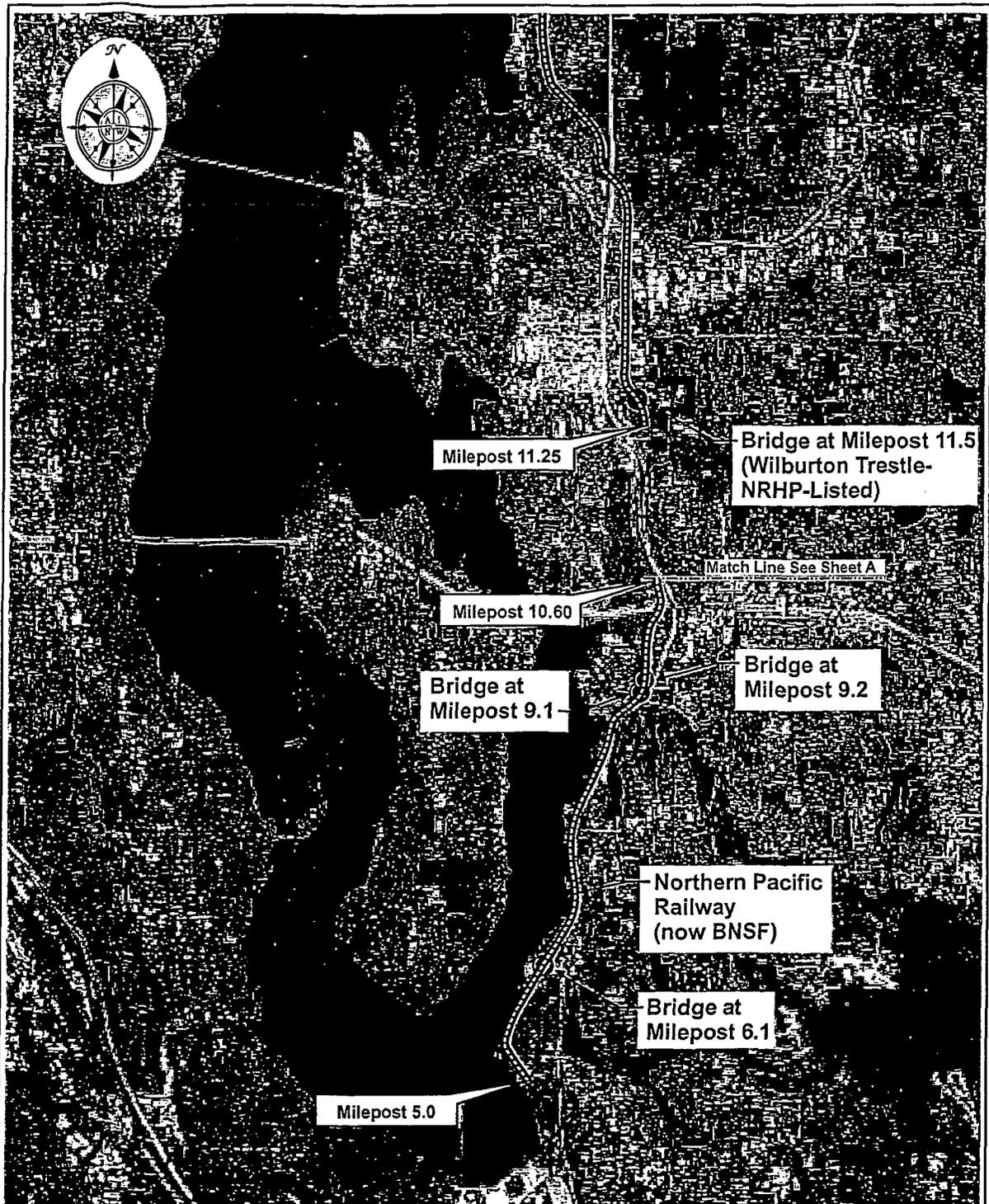


Figure 3. 2002 aerial photograph showing the Northern Pacific Railway location (now BNSF), Sheet A.



SEATTLE, WASHINGTON
 47122-E1-TB-100
 1992

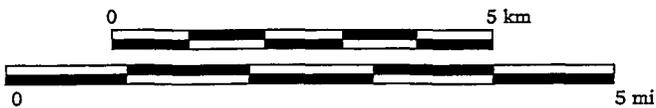


Figure 4. 2002 aerial photograph showing the Northern Pacific Railway location (now BNSF), Sheet B.

**Historic Property
Inventory Report for**

Seattle, Lake Shore & Eastern Railway

at vicinity of Redmond, WA 98052

LOCATION SECTION

Field Site No. 07/1480-2

OAHP No.

Historic Name: Seattle, Lake Shore & Eastern Railway

Common Name: BNSF

Property Address: vicinity of Redmond, WA 98052

Comments:

| County | Township/Range/EW | Section | 1/4 Sec | 1/4 1/4 Sec | Quadrangle | UTM Reference | Acquisition Code: |
|--------|-------------------|-----------|-----------|-------------|-----------------|--|--------------------------|
| King | <u>T25R5E</u> | <u>12</u> | <u>NE</u> | | <u>REDMOND</u> | Zone: <u>10</u> Spatial Type: <u>Point</u> | <u>USGS Topo</u> |
| | <u>T25R5E</u> | <u>12</u> | <u>NW</u> | | <u>KIRKLAND</u> | Sequence: <u>1</u> Easting: <u>566760</u> | Northing: <u>5279800</u> |
| | <u>T25R5E</u> | <u>11</u> | <u>NE</u> | | | Sequence: <u>2</u> Easting: <u>563820</u> | Northing: <u>5286760</u> |
| | <u>T25R5E</u> | <u>2</u> | <u>NW</u> | | | | |
| | <u>T25R5E</u> | <u>2</u> | <u>SW</u> | | | | |
| | <u>T25R5E</u> | <u>3</u> | <u>NE</u> | | | | |
| | <u>T26R5E</u> | <u>27</u> | <u>SW</u> | | | | |
| | <u>T26R5E</u> | <u>27</u> | <u>NE</u> | | | | |
| | <u>T26R5E</u> | <u>22</u> | <u>NE</u> | | | | |
| | <u>T26R5E</u> | <u>22</u> | <u>SE</u> | | | | |
| | <u>T26R5E</u> | <u>34</u> | <u>NE</u> | | | | |
| | <u>T26R5E</u> | <u>34</u> | <u>SE</u> | | | | |

Tax No./Parcel No.

Plat/Block/Lot

Supplemental Map(s)

Acreage

Historic Property
Inventory Report for

Seattle, Lake Shore & Eastern Railway

at vicinity of Redmond, WA 98052

IDENTIFICATION SECTION

Survey Name: BNSF King County Abandonment

Field Recorder: Jason Allen and Elizabeth O'Brien

Date Recorded: 7/9/2007

Owner's Name:

Owner Address:

City/State/Zip:

BNSF

2650 Lou Menk Drive

Fort Worth, Texas 76131-2830

Classification: Structure

Resource Status

Comments

Within a District? No

Survey/Inventory

Contributing?

National Register Nomination:

Local District:

National Register District/Thematic Nomination Name:



DESCRIPTION SECTION

Historic Use: Transportation - Rail-Related

Current Use: Transportation - Rail-Related

Plan:

No. of Stories:

Structural System:

Changes to plan: Intact

Changes to interior:

Style

Form/Type

Changes to original cladding:

Changes to other:

Changes to windows:

Other (specify):

Cladding

Foundation

Roof Material

Roof Type

Post & Pier

View of bridge over Sammamish River at milepost 6.2 taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG-6902.JPG

Comments: The view is to the northwest.

NARRATIVE SECTION

Study Unit

Other

Transportation

Date Of Construction: 1887-1888, 1922

Architect: S, LS & E RR; Northern Pacific Railway Co.

Builder: same

Engineer: same

Property appears to meet criteria for the National Register of Historic Places: Yes

**Historic Property
Inventory Report for**

Seattle, Lake Shore & Eastern Railway

at vicinity of Redmond, WA 98052

Property is located in a potential historic district (National and/or local): Yes - Local

Property potentially contributes to a historic district (National and/or local): Yes

**Statement of
Significance**

The railroad segment is a part of the 63.3-mile long rail line constructed in 1887-1888 by the Seattle, Lake Shore & Eastern Railway Company. The line extended from Seattle, north of Lake Washington to Woodinville, then southeast through Redmond and Fall City. This railroad segment is recommended to be eligible for listing in the National Register of Historic Places (NRHP) under Criterion A for its role in the development of railroads in the Pacific Northwest, the State of Washington, and the Puget Sound area. The Seattle, Lake Shore & Eastern Railway also played a significant part in the development of Seattle as a major Pacific Northwest railroad hub, in competition with the Tacoma terminus of the Northern Pacific Railroad Company. Although the railroad was eventually purchased by the Northern Pacific, the Seattle, Lake Shore & Eastern Railway was organized and created by local Seattle interests, and played a major part in the development of Seattle as a rival to and eventually dominant neighbor of Tacoma.

The Seattle, Lake Shore & Eastern Railway Company was incorporated in April 1885. Organized by Seattle businessmen Thomas Burke and Daniel Gilman, and supported by other local Seattle businessmen and citizens, the formation of the railroad was driven by an effort to create a direct rail link with eastern Washington and beyond (Armbruster 1999:122). Originally intended to extend east from Seattle, through Snoqualmie Pass, to Spokane, the company filed supplementary articles of incorporation in 1886, declaring its intention to extend its route to Deadwood, Dakota Territory (now in South Dakota) (Cheever 1948:169-170). Although these plans would never be fully implemented, the company began construction of its line between Seattle and Sallal Prairie in 1887.

The line went into service between Seattle and Fall City in May 1888, and by December 1889, the line was extended from Fall City to Sallal Prairie. Already, however, the Seattle, Lake Shore & Eastern Railway was operating at a loss due to high maintenance costs. In addition, difficulties with the associated construction branch of the corporation led to the filing of a motion to place the line into receivership after the construction company was found to be in default of bonds it had issued to cover the expenses of construction in the Spokane area. Although the suit was eventually thrown out, the power behind the motion, the Northern Pacific Railroad Company (which had since the outset been opposed to the development of the Seattle, Lake Shore & Eastern), continued its efforts to eliminate the Seattle, Lake Shore & Eastern as a competitor, buying up stock in the company in a behind-the-scenes effort to gain control of it if it couldn't kill it entirely (Armbruster 1999:135-136).

By 1890, the Seattle, Lake Shore & Eastern Railway operated 156 miles of track, extending to the Canadian border at Sumas. The following year, with financial tensions mounting, large blocks of shareholders began selling their holdings in the Seattle, Lake Shore & Eastern Railway to the Northern Pacific. In July, 1891, the Seattle, Lake Shore & Eastern Railway became an operating subsidiary of the Northern Pacific Railroad Company. In 1893, the Seattle, Lake Shore & Eastern Railway became a victim of the Great Panic of 1893, a nationwide market reaction to overspeculation in companies that had to that point failed to show profit (Armbruster 1999:137-138). That year, the Seattle, Lake Shore & Eastern was placed in receivership, and in 1896 was sold as a foreclosure. The company's holdings were sold to two companies. Trackage in eastern Washington was sold to the Spokane & Seattle Railway, while the trackage in western Washington (including the subject segments) was sold to the newly formed Seattle & International Railway Company (Robertson 1995:265-267).

The Seattle and International Railway Company was incorporated in 1896 by interests associated with the Northern Pacific Railway Company for the purpose of acquiring the western Washington holdings of the Seattle, Lake Shore & Eastern Railway, including all of its 166 miles of track. Between 1898 and 1903, the Northern Pacific expanded as the Pacific Northwest, and especially the Seattle area boomed after the discovery of gold in Alaska. As a part of this flurry of purchases, the Northern Pacific Railway Company formally purchased the Seattle and International Railway in 1901 (Armbruster 1999:158; Cheever 1948:171).

The Northern Pacific Railroad Company, incorporated in 1864, was sold under foreclosure to the Northern Pacific Railway Company in 1896, incorporated that year under Henry Villard for that purpose (Robertson 1991:332). The Northern Pacific Railway Company operated and maintained the line from 1901 until 1970, when the Northern Pacific Railway Company merged with several other railroads to form the Burlington Northern Railroad. During that time (in 1922), the bridge located at milepost 6.2 was built, replacing an earlier bridge at that location built by the Seattle, Lake Shore & Eastern Railway Company. In 1995, the Atchison Topeka & Santa Fe Railroad merged with the Burlington Northern to form The Burlington Northern and Santa Fe Railway Company (BNSF 2007). The Burlington Northern and Santa Fe Railway Company changed its name in 2005 to BNSF Railway Company.

**Description of
Physical
Appearance**

This segment of the BNSF railroad extends from a previously abandoned segment at milepost 7.30 (southeast of Redmond, Washington), across the Sammamish River, and along the western side of the Sammamish Valley, north to where the railroad crosses Washington State Highway 202 (milepost 1.86). The railroad remains intact north of milepost 1.86, at least as far as Woodinville Junction, but BNSF has limited the current abandonment work to the above-defined segment (MP 1.86 to MP 7.30). The railroad is carried over the Sammamish River on an open pile trestle bridge at milepost 6.2, considered to be a contributing feature to this NRHP-eligible railroad segment.

This segment is a single-track railroad on a raised gravel berm. At the crossing of the Sammamish River (milepost 6.2), the railroad is carried on a 220-foot-long, 5-span, open

**Historic Property
Inventory Report for**

Seattle, Lake Shore & Eastern Railway

at vicinity of Redmond, WA 98052

pile trestle bridge with a central 70-foot-long steel deck plate girder span. This bridge, built in 1922, crosses the river at an overall height of 32 feet above the surface of the Sammamish River. The trestle bridge is supported at both ends by wooden embankments set into the built-up berm. The bridge has a planked pedestrian walkway on the south side, extending alongside the tracks, with flange metal posts strung with steel cable. The bridge appears to have been burned, and has some superficial burn damage on the east side of the river. This railroad segment has not carried rail traffic for some time, though the rails and ties remain in place.

**Major
Bibliographic
References**

Armbruster, Kurt E.

1999 Orphan Road: The Railroad Comes to Seattle, 1853-1911. Washington State University Press, Pullman, Washington.

BNSF

2007 History. Electronic Document. Available, <http://www.bnsf.com/aboutbnsf/history/bn.html>, access July 13, 2007.

Cheever, Bruce Bissell

1948 The Development of Railroads in the State of Washington 1860 to 1948. Master's thesis, University of Washington, Seattle.

Robertson, Donald B.

1991 Encyclopedia of Western Railroad History, Volume II The Mountain States. The Caxton Printers, Ltd. Caldwell, Idaho.

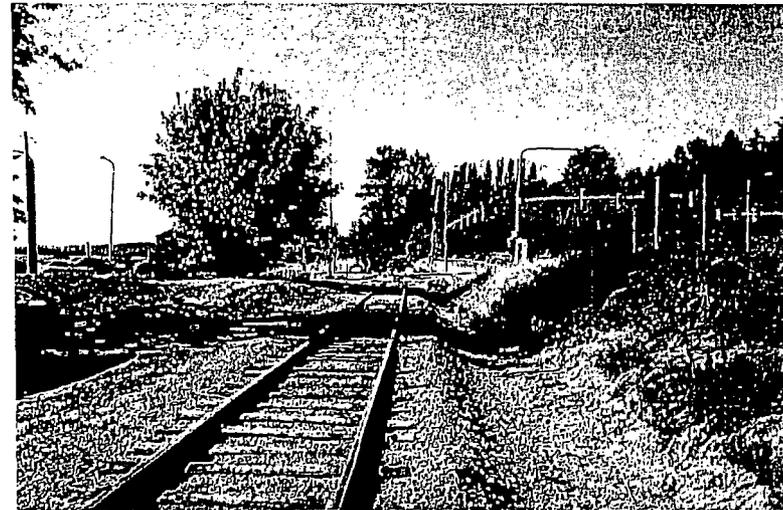
1995 Encyclopedia of Western Railroad History, Volume III Oregon Washington. The Caxton Printers, Ltd. Caldwell, Idaho.



View of Seattle, Lake Shore & Eastern Railway taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG-5918.JPG

Comments: Looking northwest along railroad from milepost 7.3.



View of Seattle, Lake Shore & Eastern Railway taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG>5911.JPG

Comments: Looking south along railroad from milepost 3.9.



View of Seattle, Lake Shore & Eastern Railway taken 7/10/2007

Photography Neg. No (Roll No./Frame No.): IMG-5914.JPG

Comments: Looking southeast along railroad from milepost 1.86.

View of _____ taken _____

Photography Neg. No (Roll No./Frame No.): _____

Comments: _____

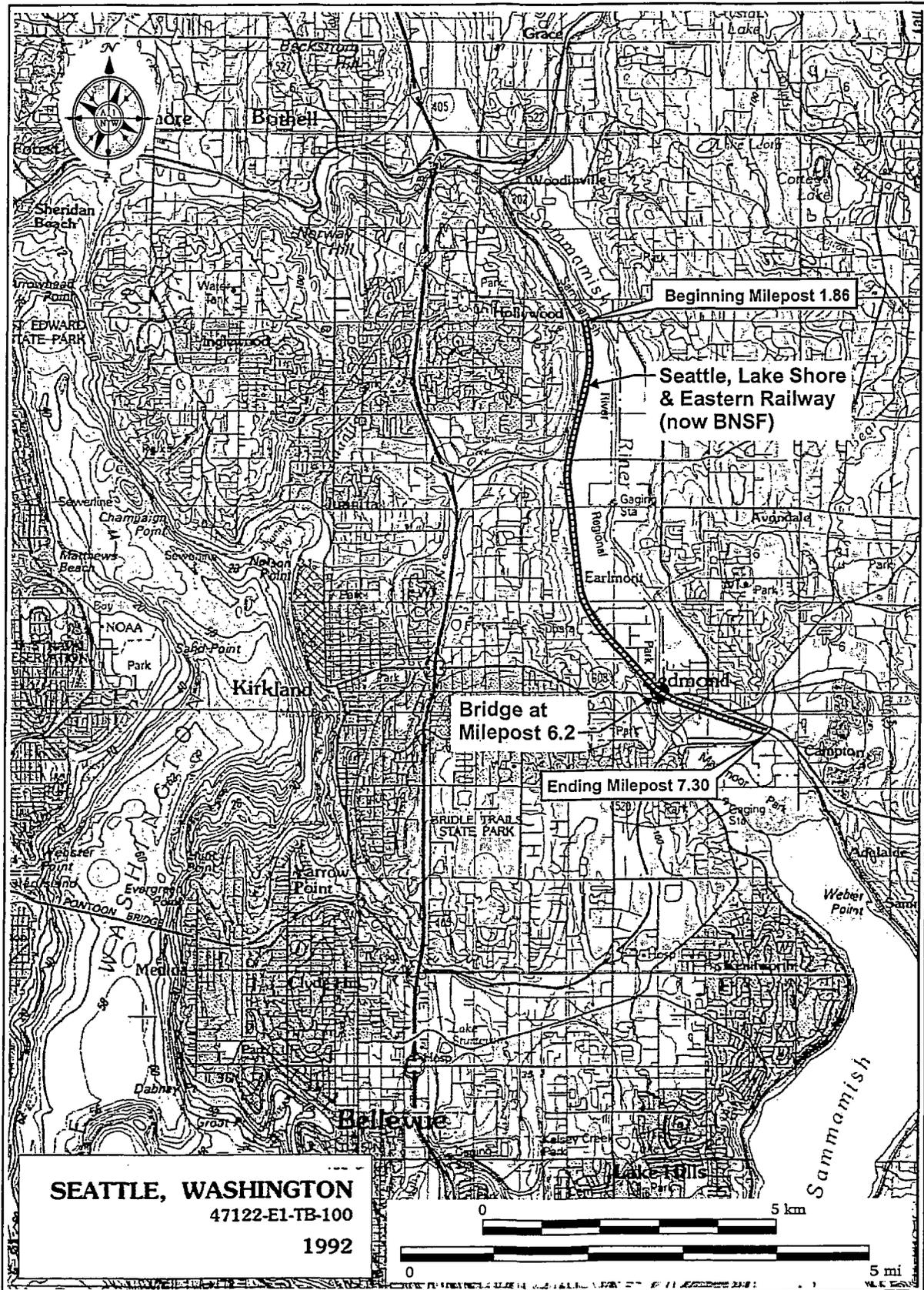


Figure 1. Seattle, Lake Shore & Eastern Railway (now BNSF) location.

CERTIFICATE OF SERVICE
ENVIRONMENTAL AND HISTORIC REPORTS

The undersigned hereby certifies that a copy of the foregoing Environmental and/or Historic Reports in STB Docket No. AB-6 (Sub-No. 465X) for the Wilburton to Woodinville rail line in King County, Washington was served by first class mail on the 24th day of June, 2008 on the following:

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street S.W.
Washington, DC 20423-0001

Russell Holter
Department of Archaeology and Historic
Preservation
1063 S. Capitol Way, Suite 106
Olympia, WA 98501

Bill Schuger
Bureau of Land Management
Wenatchee Resource Area
915 Walla Walla
Wenatchee, WA 98801

Charles Natsuhara
Area Soil Scientist
Natural Resource Conservation Service
1011 East Main, Suite 106
Puyallup, WA 98372

Clifford J. Villa
Assistant Regional Counsel
U.S. EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Gerald Shervey, PE
Washington Department of Ecology
NW Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Jim Green
Seattle District Corps of Engineers
P.O. Box 3755
Seattle, Washington 98124-3755

Larry Fisher, Area Habitat Biologist
Washington Department of Fish & Wildlife
16018 Mill Creek Boulevard
Mill Creek, WA 98012

Larry Gosset, Chair
Growth Mgmt & Natural Resources Committee
Metropolitan King County Council
516 Third Avenue, Room 1200
Seattle, WA 98104

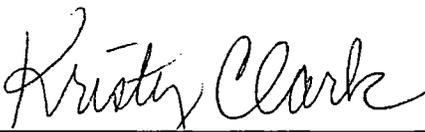
Gregory F. Gress
Chief, Pacific Land Resources Program Center
U.S. National Park Service,
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, CA 94607

Karen Myers, Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Western Washington Fish and Wildlife Office
510 Desmond Drive SE
Lacey, WA 98503

Penny Keys
Shore Lands & Coastal Zone Management
PO Box 47600
Olympia, WA 98504-7600

Tom Sibley
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115-0070

Dated this 24th day of June, 2008



Kristy D. Clark